

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1076 OF 2015

Smt. Sunita Ram Milan @ Ramdeo Sharma. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Ranjeet Patil a/w. Mr. Kuldeep Patil, advocate for Applicant.

Mr. S.H. Yadav, APP for State.

Mr. S.S. Kumbhar, API, Wadala T.T. Police Station.

CORAM : SMT. SADHANA S. JADHAV,J

DATE : JULY 13, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under section 439 of Code of Criminal Procedure, 1973. The applicant is arrested on 17/1/2015 in C.R. No. 25/15 registered at Wadala T.T. Police Station for offence punishable under Section 302, 452, 201, 212 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 14/1/2015 the complainant Manilal Ram Ujagir lodged a report at the police station alleging therein that he is residing alongwith his two sons namely Rinku and Ashwini Kumar @ Bhola. According to him, on 13/1/2015 at about 7.45 a.m. he left for his job and returned home at about 9 p.m.. At that time Aniket Varma informed him that there was quarrel between Bhola and Rakesh and since then Bhola has not returned home. It was informed that Aniket had taken Bhola to sleep at his place. The informant had also allowed Bhola to sleep in the house of Aniket. On the next day i.e. on 14/1/2015 wife of his cousin Santosh had informed him telephonically that Bhola has been assaulted and he is unconscious. The complainant returned home. He saw the police at his house. He learnt that Rakesh and Raisaheb had assaulted Bhola with sharp-edged knife. He saw his son in pool of blood. The injured was taken to Sion Hospital, where he was declared dead. On the basis of his report, Crime No. 25 of 2015 was registered for offence punishable under Section 302, 452 read with

Section 34 of the Indian Penal Code. The investigation was set in motion.

4 In the course of investigation, it had transpired that soon after the assault the accused had been to the house of the present applicant at Vasai and there she had washed the blood stained clothes of the accused. Learned APP submits that the applicant has caused disappearance of evidence by washing the blood stained clothes and hence, she does not deserve bail.

5 The learned Counsel for the applicant submits that the accused Rakesh happens to be the nephew of the present applicant and he had gone to her house. That she had no knowledge that Rakesh has caused homicidal death of some person. It is further submitted that in any case, the offence attributed to the present applicant would under Section 201 of the Indian Penal Code, where the substantive sentence may not exceed 3 years. The applicant is a woman and by virtue of

provisions of Section 437 of the Code of Criminal Procedure, 1873, she would be entitled to grant of bail.

6 It is made clear that the above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned trial Court shall decide the matter uninfluenced by the observations made by this Court.

7 Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)