

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 840 OF 2015

Sunita Sakharam Udare	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Avinash Kamkhedkar, Advocate for the applicant.
Mr. D.P. Adsule, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 24, 2015**

P.C.:

This Application is moved for pre-arrest bail under section 438 of the Criminal Procedure Code, as the applicant/accused is facing charges under sections 302 r/w. 34 and 504 of the Indian Penal Code. One Vimal Vinayak Gangawane gave information to the police regarding the assault on her son on 15th March, 2015, pursuant to which, an offence is registered at C.R. No. 175 of 2015 with Pimpri Police Station, Pune.

2. It is the case of the prosecution that deceased Sandeep had food at around 9.30 p.m. and he came out for walking, at that time, co-accused Dadu and Sagar, who are brothers and sons of present applicant/accused, asked him to give liquor. Sandeep refused them and, therefore, the accused assaulted him with wooden log. Due to head injury, Sandeep died on 1st April, 2015. Thereafter, section 302 was added in this offence.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is the mother of other two accused. In the first complaint, complainant Vimal did not mention the name of applicant/accused. She is falsely implicated in the offence with a view to rope the entire family in the present case.

4. Learned APP opposed the Application. He relied on the supplementary statement of Vimal, which was recorded on 15th March, 2015. He submitted that it is an offence under section 302 and other two accused are arrested. The applicant/accused is absconding and she is required.

5. Perused the FIR. In the FIR, the name of applicant/accused is not mentioned by the mother of the deceased. The supplementary statement is recorded after 10 days from the date of FIR. Though the son of the complainant was in coma, yet there is a considerable delay in giving supplementary statement and adding the name of the applicant/accused as assailant. Considering the reason for the assault, i.e. demand of liquor and non-mention of name of applicant/accused in the FIR, I am inclined to grant pre-arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
 - (ii) In the event of arrest, the applicant shall be enlarged on bail upon furnishing P.R. Bond in a sum of Rs.25,000/- with one or two sureties in the like amount.
 - (iii) The applicant shall not tamper with the evidence.
 - (iv) The charge sheet is not filed against the applicant/accused, hence, the applicant is directed to attend the concerned police station on every Monday between 10 a.m. to 11 a.m. for one month.
6. The Application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)