

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1232 OF 2015

Asha Dilip Patil .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.I.A.Shaikh, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks her enlargement on bail in connection with
C.R.No.I-19 of 2015 registered with the Poynad
Police Station, Raigad, for the alleged offences
punishable under Sections 302 r/w.34 of the
Indian Penal Code.

3. The complainant is Sunil Balaram Patil, the brother of deceased Suryakant Patil. He has stated that the incident took place on 14.03.2015. According to him, he received information that there was an altercation between his brother Suryakant Patil and the applicant's husband Dilip. Pursuant to the said information, he went to the spot along with Liladhar Patil and saw Dilip, the present applicant and their son Aniket assaulting the deceased with fist and kick blows. He has alleged that when Liladhar intervened and asked them to stop assaulting the deceased, they did not pay any heed to his request and continued to assault the deceased with fist and kick blows. He has alleged that all the accused including the applicant were assaulting the deceased with fist and kick blows and were jumping on his body; and when Liladhar Patil attempted to intervene the applicant's son Aniket is alleged

to have assaulted him with a stone on his head.

4. Learned counsel for the applicant submits that a cross case has been filed by the applicant's husband which was registered as C.R.NO.18 of 2015 as against the deceased. He submitted that co-accused Dilip has also sustained an injury in the said incident. He submits that nothing has come on record to show how the incident started. He submitted that the applicant had no motive to assault the deceased. He also submitted that the applicant was not armed with any weapon and prayed that the applicant be enlarged on bail, considering the fact that she is a lady.

5. Learned APP submits that the applicant has also played an active role in assaulting the deceased, as is evident from the Injury Certificate of the deceased. She submitted that

the deceased died 'due to Multiple chest trauma
C # of ribs C haemorrhage in chest C rupture of
liver C haemorrhage in abdomen'.

6. Perused the papers. Admittedly, there are eye witnesses in the said case. It appears from the Injury Certificate that the deceased has received grievous injuries. Only considering the fact that the applicant is a lady and investigation is complete and charge sheet is filed, the applicant is being enlarged on bail. It is made clear, that co-accused Dilip shall not claim parity with the applicant. Considering the aforesaid fact, the applicant is enlarged on bail on the following terms and conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Poynad Police Station, Raigad on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.