

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1798 OF 2015**

Nutan Kishore Shinde

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Sandhya Mailagir I/b Mr. Anil Joshi for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 1st OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks her enlargement on bail in connection with C.R. No. I-51 of 2015 registered with the Nerul Police Station, for the alleged offence punishable under Section 302 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that initially an ADR was registered on the basis of the statement of Kailash Patil – the brother of

the deceased on 21st February, 2015. In the said statement, Kailash Patil has stated that on 20th February, 2015, his brother Shekhar Patil came home in a drunken condition. He has stated that after some time, he started vomiting and hence, he was taken to a hospital at Nerul, where he expired on 21st February, 2015. Learned Counsel for the applicant submitted that Kailash Patil does not talk about deceased having suffered any injuries or that the deceased having disclosed to him of any such assault. She further submitted that the only allegation qua the applicant is that she assaulted the deceased-Shekhar with fist and kick blows.

4. Learned A.P.P submitted that there are eye-witnesses to the said incident and that one Jagannath Patil has disclosed that he had seen the deceased being assaulted by the present applicant along with co-accused Azim by fist and kick blows. The said witness has further alleged that Arif assaulted the deceased with a wooden log on his head, pursuant to which, Shekhar Patil fell on the ground.

5. Perused the charge-sheet. Considering the nature of allegations as against the applicant, that she assaulted the deceased with fist and kick

blows and the fact that she is a lady, 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 not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
 - (iii) 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;
 - (iv) The applicant to cooperate with the conduct of the trial;
6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. 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.

8. 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
order.
