

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (BA) NO. 06 OF 2015
(Alka Raju Nikalje .v. State of Maharashtra)

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

CORAM : PRASANNA B. VARALE, J.
02ND MARCH, 2015.

None for the applicant.

Shri R.S. Nayak, the learned APP for the
respondent/State.

The matter was called out in the first session and was
kept back. Even on the second call, in the post recess session,
none appears for the applicant.

The applicant is before this Court seeking her
enlargement on bail in connection with Crime No. 385/2014
registered with the Police Station, Jaripatka, Nagpur for the
offence punishable under Section 302 of the Indian Penal Code.
The applicant is a lady and the report lodged at the instance of one
Raju Nikalje who is the husband of the applicant and son of the
deceased states that on 14.07.2014, the informant/complainant
who attended the duty as a Security Guard and returned to home
in the morning of 15.07.2014, found his mother lying on the floor
in a residential house. On making enquiry with his son, his son
informed that on a petty issue of drawing water from the storage
drum, a quarrel took place between the applicant and the mother
of the informant/complainant. The applicant initially assaulted
with a plastic bucket and then by snatching hair and dashing head
against the wall, the victim who was old aged lady of 70 years, lost
her life. The investigating agency collected the material in the
process of investigation.

Perusal of the statement recorded by the investigating
agency and more particularly the statement of the son of the
applicant namely Ashish Nikalje who is an eye witness to the
incident reveals that the applicant played the lead role causing
death of the victim. The other relatives who immediately rushed

to the spot namely the brother, the cousin and the sister-in-law of the complainant/informant, found the victim lying in a pool of blood and were informed about the act of the applicant. Perusal of the postmortem report shows that the Medical Officer opined the cause of death is injury to cervical spine at C-3 and C-4 level. It will be material to mention the relevant observations in the postmortem report namely, (i) lacerated wound present over left parietal eminence of skull of size 2 cm x 0.5 cm x muscle deep situated 14 cm above and posterior to left tragus, 7 cm from midline and 6 cm above occipital protuberance; (ii) contusion present over and around injury No.(i) of size 4 cm x 4 cm, confirmed on cut section, dark red in colour; underscalp haematomas present over parietal region of size 10 cm x 7 cm and on left temporal region of size 4 cm x 3 cm; vault and base of skull – intact; meninges – intact, pale; brain – intact, pale; and spine and spinal cord. In addition to this material, the reply filed by the State reflects the fact of commencement of the trial and examination of the prosecution witness namely the Investigating Officer on 31.01.2015. It is stated in the reply that as the trial has already been commenced and the same will be completed in near future, Shri R.S. Nayak, the learned APP submits that subsequent to filing of the reply, it was informed to him orally that the trial is also concluded.

Considering all these aspects, in my opinion, this is not a case to enlarge the applicant on bail even though the applicant is a lady. The learned APP submits that though the reply is ready and the learned APP wanted to place the same on record, for the absence of the learned Counsel for the applicant as the copy could not be served on the learned Counsel for the applicant, the reply is not permitted to be filed on record. The learned APP is permitted to place on record the reply. The office to accept the reply filed by the learned APP. The application is accordingly rejected and disposed of as such.

JUDGE

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