

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.361/2015

Sau. Sunita Devanand Munde..vs..State of Maharashtra thr. PSO P.S.Balapur, Dist.Akola

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

Court's or Judge's orders.

Mr. R. R. Vyas, Advocate for applicant.
Mr. S. B. Ahirkar, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI, J.
DATE : JULY 17, 2015.

Heard learned counsel for the rival parties.
Perused the Dying Declaration given by the deceased,
which is the only piece of evidence with the
prosecution. There is no likelihood of the recorder of
dying declaration being influenced or the dying
declaration being tampered since that was recorded
by the Executive Magistrate.

The applicant is in jail from January-2015.
It is true that there is an affidavit of the Police
Inspector that applicant was absconding for about
five months. But then that by itself may not be a
ground at this stage to refuse the relief of bail to the
applicant, who is a woman entitled to benefit of
Section 437 of the Code of Criminal Procedure apart
from the fact that she is a mother of three children.

In that view of the matter, following order is passed.

ORDER

(i) Criminal Application No.361/2015 is allowed.

(ii) Applicant-Smt. Sunita w/o Devanand Munde be released on bail in Crime No.123/2014 for an offence punishable under Section 307, 302, 212 of the IPC registered with Police Station, Balapur, Dist. Akola, on her furnishing PR Bond in the sum of Rs.20,000/- with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

(iv) The applicant shall attend the Police Station, Balapur as and when directed by the Investigating Officer and shall cooperate him in the investigation.

JUDGE