

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 182 OF 2016

Sangitabai Ravindra Patil,
Age: 40 years, Occ: Household,
R/o. At Sarve (Bk), Tal. Pachora,
Dist. Jalgaon.

...Applicant

versus

The State of Maharashtra,
Through Pachora Police Station,
Dist. Jalgaon.

...Respondent

.....
Mr. N.S. Ghanekar, Advocate for applicant
Mr. S.M. Ganachari, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 27th JANUARY, 2016

ORAL ORDER :

The prosecution case in Crime No. 150 of 2015 registered on 10/09/2015 with Pachora Police Station, District Jalgaon, for the offence punishable under Sections 302, 307, 325, 324, 143, 147, 148, 149, 504 of Indian Penal Code that the applicant along with her family members and relatives formed unlawful assembly and attacked the complainant, his son, his real brother and other relatives resulting into death of brother of complainant and serious injuries to his son, nephew, and wife.

2. The present applicant, woman, pursuant to named in the

F.I.R. was arrested in Crime and investigation was set in motion.

3. It is not in dispute that the charge sheet in the matter is already filed.

4. While trying to make out case for grant of bail, learned Counsel for the applicant would urge that in the F.I.R. and statement recorded on 14/09/2015 against the incident dated 09/09/2015 though applicant was named as an accused, however, in F.I.R. or other places, no specific role is attributed to the applicant. According to him, at the belated stage i.e. from 15/09/2015 onwards, role is attributed to the applicant of instigating of other accused persons of commission of crime though statements of eye witnesses or victims do not reflect any direct participation of the applicant with weapon in crime in question.

5. While opposing the application, learned A.P.P. would submit that in view of statements of eye witnesses, there is *prima facie* case against the applicant, who is permanent resident of same village where the victims are residing. According to him, there is likelihood of tampering of evidence.

6. In my opinion, once the investigation in the matter is complete and charge sheet is filed, in the light of submissions made by learned Counsel for the applicant, it can be inferred that from the

date of incident i.e. 09/09/2015 till 14/09/2015, no specific role was attributed to the applicant either in F.I.R. or statements. It is only by way of afterthought from 15/09/2015 onwards, the applicant's name is specifically mentioned in the statement for attribution of instigation. There are no overtact attributed to the applicant.

7. The investigation in the matter is complete and charge sheet is already filed. As such, in my opinion, the applicant, woman needs favourable consideration, particularly in view of provisions of Section 437 of Code of Criminal Procedure. As such, the application stands allowed. Hence, the following order.

The applicant be released on bail, in connection with Crime No. 150 of 2015 registered with Pachora Police Station, District Jalgaon, for the offence punishable under Sections 302, 307, 325, 324, 143, 147, 148, 149, 504 of Indian Penal Code, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount. The applicant shall keep herself away from the jurisdiction of the concerned police station but for Court proceedings.

8. The application stands allowed in above terms.

[N.W. SAMBRE, J.]