

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

CRIMINAL APPLICATION NO. 522 OF 2016

Shantabai w/o Murlidhar Sapkale,
Age: 60 years, Occ: Household,
R/o. Maldabhadi, Tq. Jamner,
District Jalgaon.

...Applicant

versus

The State of Maharashtra

...Respondent

.....
Mr. Amol N. Jagatkar, Advocate for applicant
Mr. S.Y. Mahajan, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 9th FEBRUARY, 2016

ORAL ORDER :

The applicant is seeking pre-arrest bail in Crime No.180 of 2015 registered with Jamner Police Station, District Jalgaon for the offence punishable under Sections 302, 323, 509 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant submits that other accused, who are named in the F.I.R., are husband and sons of applicant, who are already arrested and behind the bars. Learned Counsel for the applicant would then submit that charge sheet in the

matter is already filed and role attributed to the applicant is that of instigation to the main accused without any direct participation in the crime.

3. Learned A.P.P. opposed the application on the ground that the applicant is absconding.

4. Perused the investigation papers. Looking to the nature of allegations against the applicant in the F.I.R., who is lady of 60 years and as such, the proviso to Section 437 of Code of Criminal Procedure is also attracted.

5. In view of above, in my opinion, custodial interrogation of the applicant is not necessary. Hence, the following order.

In the event of arrest, the applicant be released on bail in connection with Crime No.180 of 2015 registered with Jamner Police Station, District Jalgaon for the offence punishable under Sections 302, 323, 509 read with Section 34 of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount. The applicant shall attend the concerned police station daily on 15th February, 16th February and 17th February, 2016 in between 10-00 a.m. to 12-00 noon and thereafter as and when called by the

Investigating Officer.

6. Criminal Application stands allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/09.02.2016