

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.829 OF 2016
IN
CRIMINAL APPEAL NO.60 OF 2016

Chhayabai w/o Pundlik Ingale

Applicant

Versus

The State of Maharashtra

Respondents

Mr.N.S. Ghanekar advocate for the applicant
Mr.M.M. Nerlikar, APP for the respondent.

CORAM : R.M. BORDE &
K.L. WADANE, JJ

(Date : 6th APRIL, 2016.)

PER COURT :-

1 Instant application is presented by accused No.2 for her enlargement on bail. The accused applicant along with her son were prosecuted for commission of offence of murder of the husband of accused No.2 and at conclusion of trial, are held guilty of the offence punishable under section 302 read with 34, IPC and are sentenced to suffer imprisonment for life and to pay a fine of Rs. 1,000/- each.

2 Learned counsel appearing for applicant - original accused No.2 states that, the lady was on bail during the course of trial and there is no evidence that, she has abused the liberty granted to her.

3 On perusal of the Judgment as well as the record and

proceedings, it appears that, though the lady was stated to be present at the spot incident, there is no role attributed to her, in causing fatal injury to the deceased. Though the prosecution version discloses that, accused No.2 i.e. applicant No.1 was armed with an axe, however, there is no evidence forthcoming that she used it, for launching assault on deceased. The witnesses to the incident, according to the applicant, have not deposed about her involvement in commission of offence.

4 Considering the facts and circumstances of the case and on noticing that, there is no finding as regards participation of the applicant-accused No.2 in the alleged crime and considering the fact that, the accused-applicant is a lady and was enlarged on bail during the course of trial, we deem it appropriate to consider the application for grant of bail favourably.

5 The application is thus allowed.

6 The applicant, who has been convicted & sentenced in Sessions case No.184/2010 be released on bail on condition of furnishing personal bond of Rs.25,000/- with one surety in the like amount.

(K.L. WADANE, J)

(R.M.BORDE, J)