

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

CRIMINAL APPLICATION NO. 955 OF 2016

1. Jaykumar s/o Baliram Khillare,
Age: 42 years, Occ: Labour,
2. Sunita w/o Jaykumar Khillare,
Age: 28 years, Occ: Household,
Both are residents of Hatala,
Taluka Sengaon, Dist. Hingoli. ...Applicants

versus

The State of Maharashtra,
Through the Police Inspector,
Goregaon Police Station,
Tq. Sengaon, Dist. Hingoli. ...Respondent

.....
Mr. Amit A. Yadkikar, Advocate for applicants
Mr. M.M. Nerlikar, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 1st MARCH, 2016

ORAL ORDER :

Learned Counsel for the applicants, upon instructions, does not press the application for applicant No.1 Jaykumar s/o Baliram Khillare, which is for grant of regular bail. Application, as such, stands dismissed, as withdrawn.

2. Applicant No.2 Sunita in the present application is second wife of Jaykumar, who has already blessed with two children.

It is claimed that applicant Sunita used to illtreat first wife of Jaykumar namely Ranjana, which has prompted her to commit suicide, resulted into registration of Crime No. 6 of 2016 pursuant to discovery of body of deceased Ranjana in a well. The complainant is father of deceased Ranjana, who has alleged that applicant No. 2 Sunita is second wife of Jaykumar, present applicant No. 1.

3. Learned Counsel for the applicants submit that Sunita was arrested on 08/01/2016 and was subjected to custodial interrogation. According to him, Sunita is carrying pregnancy of five months and apart from the fact that Sunita's two sons, there are two sons of Ranjana, who are required to be taken care of. As such, learned Counsel for the applicants submits that applicant No. 2 Sunita be released on bail on medical grounds.

4. Learned A.P.P. strenuously opposed the application on the ground that the first information report attributes specific role to applicant Sunita. Learned A.P.P. submits that though he is not instructed as regards status of pregnancy of applicant Sunita, however, according to him, appropriate care can be taken of by applicant Sunita through jail medical authorities. Learned A.P.P. submits that the investigation till date depicts prima facie involvement, as such, prayed for rejection of the bail application.

5. Having considered the rival submissions, it is required to be noted that the prosecution is not disputing present status as regards pregnancy of applicant Sunita. Apart from above, it is the fact that the applicant was arrested on 08/01/2016 and was subjected to custodial interrogation. The case in hand is alleged to have been based on theory of abetment which upon perusal of the contents of first information report do not attribute any serious role to the applicant. As such, the application needs to be allowed. Hence, the following order:-

Applicant Sunita w/o Jaykumar Khillare be released on bail in Crime No. 6 of 2016 registered with Goregaon Police Station, District Hingoli, for the offence punishable under Sections 306, 323, 498-A, 504 of Indian Penal Code, upon executing P.R. bond of Rs.10,000/- with one surety in the like amount.

6. The application stands allowed in above terms.

[N.W. SAMBRE, J.]