

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1426 OF 2016

Alkabai Wd/o Bhimrao Mhaske
Age 31 years, Occu – Household
R/o at Ekephal Shivar,
Talukar Bhokardan, Dist. Jalna
(at present in Central Jail, Aurangabad) .. Applicant

Vs.

The State of Maharashtra
(Through the Senior Inspector
of Hasnabad Police Station, Jalna) .. Respondent

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Mr. Rajendra H. Wagh, Advocate for the applicant
Mr. M.B. Bharaswadkar, APP for the respondent-State
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CORAM : M.T. JOSHI, J.
DATED : 18/03/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Hasnabad Police Station, Tq. Bhokardan, Dist. Jalna in Crime no. 68 of 2015 for the offences punishable under section 302, 307 r/w. 34 of the Indian Penal Code and under section 3(1)(ii) and (2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, is praying for her release on bail.

3. Hearing from both sides as well as the prosecution papers would show that the case is based on circumstantial evidence. According to the deceased, the deceased, during his recording of the dying declaration, has purportedly stated that the applicant, who is his wife, had illicit relations with the co-accused and, therefore, he has suspicion that she has set his wooden cot on fire while he was asleep. The cot was in the open court-yard. The co-accused is already released on bail by the Sessions Court.

4. The evidence would further show that on two occasions, she (applicant) had gone outside and again returned to the house.

5. Considering all the facts on record and finding that the applicant is a woman and trial may take its own time, the Application is allowed.

6. The applicant be released on bail in Crime no. of 68 of 2015 registered with Hasnabad Police Station,

Tq. Bhokardan, Dist. Jalna in Crime no. 68 of 2015 for the offences punishable under section 302, 307 r/w. 34 of the Indian Penal Code and under section 3(1)(ii) and (2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, upon her executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

7. Application stands disposed of.

[M.T. JOSHI]
JUDGE

arp/-