

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1687 OF 2016

- 1] Bhausahab S/o Patilba Talpe,
Age 42 years, Occu.: Labour,
- 2] Venubai W/o Patilba Talpe,
Age : 79 years, Occu.: Labour

Both R/o Talpewadi, Bota,
Tq. Sangamner,
District : Ahmednagar

.. Applicants
(Orig. Accused)

Vs.

The State of Maharashtra
Through Police Inspector,
Gharghaon Police Station,
Taluka - Sangamner,
District - Ahmednagar

.. Respondent

.....

Mr. Satyajee S. Dixit, Advocate for the applicants
Mr. A.S. Shinde, APP for the respondent-State

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CORAM : M.T. JOSHI, J.

DATED : 06/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are arrested by
Gharghaon Police Station, Tq. Sangamner, Dist.

Ahmednagar in Crime no. I-117 of 2015 of for the offences punishable under section 302 r/w. 34 of the Indian Penal Code, are praying for their release on bail.

3. Upon hearing, learned counsel for the applicants, on instructions, submits that the applicant no.1 - Bhausahab S/o Patilba Talpe does not wish to press the application and he may be allowed to withdraw the application. As regards applicant no.2 - Venubai W/o Patilba Talpe, he submits that since she is an old aged woman and since improbable allegations are made against her, she may be released on bail.

4. The FIR of Sharda wife of the deceased dated 16/11/2015 would show that on that day, at about 6.00 pm, over a dispute of apportionment of compensation to be received upon acquisition of the land, the quarrel started between her husband and his brother i.e. applicant no.1 - Bhausahab and his mother i.e. applicant no.2 - Venubai. In the said incident, while applicant no.2 - Venubai tied his feet by a rope, the

present applicant no.1 - Bhausahab had dashed his head again and again against a stone. In the circumstances, the said incident was witnessed by two eye witnesses and, therefore, they took the deceased by ambulance, however, he was declared dead by the Medical Officer. In the circumstances, the complaint came to be filed.

5. The post-mortem examination note would show that there were six external injuries including injuries to lower lip, left parietal bone, below right ear and abrasion to the left forearm below elbow.

6. Learned counsel for the applicants submits that the present applicant no.2 - Venubai is 79 years old and mother of the deceased. In the circumstances, it is improbable to conceive that she would tie the fee of the deceased, whereupon her another son i.e. applicant no.1 would assault the deceased. Further, the trial will take its own time. Therefore, considering the age of the applicant no.2 - Venubai, she be released on bail.

7. Learned A.P.P. opposed the application. He submits that there are definite statements in the immediately filed FIR that the present applicant has tied the feet of the deceased in the incident.

8. Considering the overall nature of the allegations, finding that the present applicant no.2 – Venubai W/o Patilba Talpe is an old aged woman and the trial would take its own time, in my view, the present applicant no.2 – Venubai W/o Patilba Talpe can very well be released on bail.

9. Hence, the following order:-

I) The Application as regards the applicant no.1 – Bhausaheb S/o Patilba Talpe is hereby dismissed as withdrawn.

II) Applicant no. 2 – Venubai W/o Patilba Talpe be released on bail in Crime no. I-117 of 2015 registered with Ghargaon Police Station, Tq. Sangamner, Dist. Ahmednagar for the offences punishable under section 302 r/w. 34 of the Indian Penal Code, 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.

III) Applicant no.2 - Venubai W/o Patilba Talpe shall not in any way attempt to influence the prosecution witnesses in any manner.

10. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/-