

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

CRIMINAL APPLICATION NO. 2815 OF 2016

Prashant s/o Indurath Gandhure
and others ...Applicants

VERSUS

The State of Maharashtra ...Respondent

.....
Shri V.V.Ingale, advocate for applicants
Shri C.V.Dharurkar, A.P.P. for respondent/State
.....

CORAM : SMT.SADHANA.S.JADHAV, J.

DATED : 13th JULY, 2016

PER COURT :-

Heard learned counsel for the applicants
and the learned A.P.P. for the respondent/State.
Perused the papers of investigation.

2. At the threshold, the learned counsel for
the applicants, upon instructions, seeks liberty
to withdraw the application seeking bail in
respect of applicant nos. 1 and 2. Hence,

application under Section 439 of the Criminal Procedure Code as far as applicant nos. 1 and 2 is concerned, is dismissed as withdrawn.

3. Applicant no.3 Archana Bhosale is a woman. With the aid of Proviso to Section 437 of the Criminal Procedure Code she would be entitled to grant bail, more particularly in view of the fact that the investigation is completed and charge sheet is filed. She is in custody since 25.1.2016.

4. It is the case of the prosecution that on 25.1.2015 Hanumant Dhale lodged a report at Tuljapur police station alleging therein that his brother Deepak has intimate relations with the applicant no.3. That her family members did not approve of the said relationship. On 24.1.2016 he had been informed by Prakash Shinde that his brother Deepak is being assaulted near Khandoba temple. The complainant rushed to the spot. He had seen the motor cycle of his brother parked at

the side of the road. The police vehicle had come on the spot. They found Deepak in an injured and abandoned condition at the side of the road. He was seriously injured and was not in a position to speak. He was admitted in the hospital at Tuljapur where he was declared dead on admission. The complainant was sure that his brother has met homicidal death at the hands of the applicant nos. 1 and 2 and their associates.

5. Learned A.P.P. submits that the papers of investigation would reveal that specific overt act is attributed to the present applicant no.3 and hence she does not deserve to be enlarged on bail. However, taking into consideration the fact that the investigation is completed, charge sheet is filed and that the applicant happens to be a woman, this Court is inclined to enlarge her on bail.

6. It is also submitted by the learned counsel for the applicant that the applicant no.3

is a victim of H.I.V. The application, therefore, deserves to be allowed. Hence the following order.

(i) Application is allowed.

(ii) The applicant no.3 be enlarged on bail on her furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicant shall not reside in village Sindphal, Taluka Tuljapur till conclusion of the trial.

(iii) It is made clear that the observations made herein above are prima facie in nature and shall not be considered for the purpose of quashing of F.I.R., discharge application or at the time of trial, since they are restricted to an application under Section 439 of the Criminal Procedure Code.

(iv) Application stands disposed of.

(SMT.SADHANA.S.JADHAV, J.)

dbm/crap2815.16