

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3080 OF 2016

Parvatibai W/o Madhavrao Bhanvar .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. N.S. Ghanekar, Advocate for the applicant
Mr. C.V. Dharurkar, APP for the respondent-State
Mrs. Pratibha Bharad, Advocate for assist to APP

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CORAM : N.W. SAMBRE, J.

DATE : 30/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking regular bail in Crime no.6 of 2016 registered at Hingoli Police Station, Dist. Hingoli for the offences punishable under section 302, 307, 147, 148, 149, 447 of the Indian Penal Code and under section 5(1)(C), 27(1) of Indian Arms Act.

3. The investigation in the matter is complete and the chargesheet is filed.

4. The applicant claims to be the wife of one of the accused – Madhavrao, whose entire family is arrested in the crime in question. The prosecution story appears to be that the applicant's family and the complainant's family are closely related, however, they were at loggerheads because of dispute about agricultural lands and, as such, the applicant formed an unlawful assembly with common object and assaulted the family of the complainant, resulting into death of two members of the family of the complainant.

5. The applicant came to be arrested on 6/4/2016.

6. Shri. Ghanekar, learned counsel for the applicant, while trying to make out case for grant of bail, would submit that the chargesheet in the matter is already filed. According to him, apart from contradictions in the statement of Ayodhya - complainant and the victim – Sanjay, the applicant's

further detention is not necessary, in view of absence of criminal antecedents and non requirement of custody of the applicant. He would then submit that if released on bail, the applicant shall respect the Court proceedings and shall not protract the trial.

7. Learned A.P.P. opposed the application on the ground that there is discovery under section 27 of the Indian Evidence Act, of a stick, which was recovered from the applicant, which was used in the commission of crime.

8. Learned A.P.P., who is assisted by Mrs. Bharad, learned counsel for the complainant, would strenuously urge that the victim – Sanjay has specifically named the present applicant having played an active role in the commission of crime under section 302 of the Indian Penal Code, as there is death of two persons from the family of the complainant. Learned A.P.P. further submits that

there is sufficient material on record to implicate the applicant in the crime in question.

9. Having bestowed thoughts to the submissions made and having perused the chargesheet, it is required to be noted that the applicant, a woman, is entitled to be released on bail for the following reasons :-

10. The investigation in the matter is complete and chargesheet is filed and there are no criminal antecedents.

11. Other family members of the applicant, namely, her husband and father-in-law are already arrested in the crime in question and are behind bar.

12. There is material omission as regards the statement of victim – Sanjay and the complainant – Ayodhya qua participation of the applicant in the offence under section 302 of the Indian Penal Code.

13. So far as discovery under section 27 of the Indian Evidence Act i.e. recovery of a stick is concerned, no blood stains were noticed. Hence, the following order :-

14. The applicant be released on bail in Crime no. 6 of 2016 registered with Hingoli Police Station, Dist. Hingoli for the offences punishable under section 302, 307, 147, 148, 149, 447 of the Indian Penal Code and under section 5(1)(C), 27(1) of Indian Arms Act, upon her executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

15. The applicant shall not tamper with the prosecution evidence or influence the witnesses in any manner.

16. The applicant shall co-operate in trial and shall not seek unnecessary exemptions. The applicant shall not protract the trial.

17. Any attempt on the part of the applicant to protract the trial, if noticed by the learned Court below, it shall be open for the Court below to proceed with cancellation of bail of the applicant.

18. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-