

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

Criminal Application No. 4739 of 2016

District : Jalgaon

Pratibha Lalchand Bhalerao,
Age : 28 years,
R/o. Ramnagar, Mehrun,
Taluka & District : Jalgaon. .. Applicant.

versus

The State of Maharashtra. .. Respondent.

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Mr. Satej S. Jadhav, Advocate, for the applicant.

*Mr. S.D. Kaldate, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 22ND SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 183/2016 registered with Police Station, M.I.D.C., Jalgaon, District Jalgaon, for offences punishable under Sections 302, 307, 323, 504, 506, read with Section 34 of the Indian Penal Code, by this application, is seeking her release on bail.

2. Heard the learned Counsel appearing for the

applicant / accused. By taking me through the charge-sheet, the learned Counsel argued that in the FIR lodged instantaneously, nothing is attributed to the present applicant but subsequently she is sought to be impleaded in the crime in question. The learned Counsel also drew my attention to the statement of the brother of the informant and argued that even disclosure to the brother about the incident by the informant is not attributing anything to the applicant in the crime in question. The learned Counsel further argued that statement of Manisha Agrawal and Manisha Patil are also not showing complicity of the applicant in the crime in question. Statement of the child witness was recorded belatedly.

3. As against this, the learned Addl. Public Prosecutor argued that statement of independent witness Manisha Patil is showing that the applicant was present on the spot of the incident at the time of incident. The learned Addl. Public Prosecutor further contended that the child witness is categorically ascribing role to the applicant in the crime in question.

4. Perused the charge-sheet. Meerabai Pandit Koli died homicidal death. According to the FIR lodged by her daughter Sarita on 15.06.2016 i.e. on the day of the incident itself, at about 01.00 p.m.

to 01.30 p.m. of that day, co-accused Sachin s/o. Shamrao Nanote came to her house. Sachin Nanote was a servant employed by deceased Meerabai. He was subsequently discontinued by Meerabai. The informant reported that Sachin Nanote started abusing Meerabai. Upon hearing his shouts, Meerabai came upstairs and took exception to the conduct of Sachin Nanote. When she directed Sachin Nanote to go out of the house, Sachin Nanote gave a blow of pestle on her head causing injury to Meerabai. The informant further reported that thereafter she called the present applicant telephonically. Then injured Meerabai was admitted to the hospital. Subsequently, Meerabai succumbed to the injuries in Civil Hospital at Jalgaon on 17.06.2016.

5. The charge-sheet reveals that thereafter on 21.06.2016, informant Sarita gave a supplementary statement. She stated to Police on 21.06.2016, that applicant Pratibha Bhalerao was also present at the time of the incident. The applicant intervened in the quarrel of Meerabai with Sachin Nanote and she abused Meerabai and assaulted her by means of slaps. Thereafter, she instigated co-accused Sachin Nanote to kill Meerabai and upon that, Sachin Nanote gave a blow of pestle on head of Meerabai.

6. Yograj Koli is the brother of the informant. His Police statement reveals formal statements of

informant Sarita made to him in respect of the incident in question. Same is admissible under Section 157 of the Evidence Act. Formal statement of informant Sarita reflected from statement of her brother Yograj is to the effect that assault on Meerabai was by co-accused Sachin Nanote. Former statement of the informant disclosed by Yograj nowhere attributes any role to the applicant in the crime in question.

7. As against this, after about 4 days of death of Meerabai, the informant and witnesses are coming with a case of assault on Meerabai by the present applicant as well as instigation to the co-accused Sachin Nanote to kill Meerabai.

8. The charge-sheet as such is reflecting two versions of the prosecution case, one of which is in favour of the applicant. Considering this nature of evidence against the applicant, after completion of investigation and on filing of the charge-sheet, her further pre-trial detention is not warranted.

9. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on her executing P.R. Bond in the

sum of Rs. 25,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant shall abide by the following directions :-

(i) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(ii) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial against her.

(iii) The applicant shall not repeat commission of similar type of offences in future.

10. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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