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

**CRIMINAL APPLICATION NO. 7001 OF 2015**

Vrandawani w/o Sudam Dhengale      ...APPLICANT

VERSUS

The State of Maharashtra      ...RESPONDENT

Mr N. B. Khandare, Advocate for applicant;  
Mr M. B. Bharaswadkar, Addl. Public Prosecutor for respondent;  
Mr N.L. Jadhav, Advocate to assist Addl. Public Prosecutor

**CORAM : N.W. SAMBRE, J.**

**DATE : 2<sup>nd</sup> February, 2016**

**ORDER :**

By this application under section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.158 of 2015, registered with police station, Georai, District Beed, for offences punishable under sections 302, 307, 143, 147, 148, 149, 324, 323 and 504 of the Indian Penal Code.

2. So far as the applicant Vrandawani is concerned, the first information report speaks of use of cotton tree plucker, a heavy instrument, by which she is alleged to have assaulted deceased Vimal, who suffered serious injuries, subsequently resulting into her death.

3. The role ascribed to the applicant is use of a cotton tree plucker, which in my opinion, is really difficult to be used by a woman of 52 years, like that of the applicant herein, looking to the weight of such instrument.

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Apart therefrom, the story narrated alleges that deceased was hit by the applicant from behind her head, when the applicant snatched the cotton tree plucker from the custody of one Prashant.

4. The investigation in the matter is complete and charge-sheet is also filed.

5. Perusal of the post mortem report does not speak of any injury on the head of the deceased. Apart from above, the cause of death as narrated in the post mortem report is due to pneumonia caused because of septicemia, i.e. a post operational consequence.

6. Although there are eye-witnesses to the incident, yet this Court is required to consider the probable story as narrated against her by the complainant. It is also required to be noted that the applicant being a woman aged about 50 years, her prayer is required to be considered in the light of proviso to section 437 of the Code of Criminal Procedure.

7. In the light of above, even if there is objection on behalf of the learned Addl. Public Prosecutor and learned Counsel appearing on behalf of the complainant, in view of statements of the eye-witnesses, in my opinion, the applicant deserves to be released on bail. I, therefore, pass following order :-

(3)

The applicant Vrandawani w/o Sudam Dhengale be released on bail, in connection with C.R. No.158 of 2015, registered with police station, Georai, District Beed, for offences punishable under sections 302, 307, 143, 147, 148, 149, 324, 323 and 504 of the Indian Penal Code, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall not tamper with the prosecution evidence or witnesses.

Criminal Application stands allowed in above terms.

**(N.W. SAMBRE, J.)**

amj