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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 590 OF 2016**

Shevantabai Prabhakar Jahire

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.U.R.Agandsurve, for the Applicant

Mr.Y.M.Nakhawa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd MAY, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks her enlargement on bail in connection with C.R. No. 276 of 2015, registered with the Jail Road Police Station, Solapur for the alleged offences punishable under Sections 302 r/w 34 of the Indian Penal Code.
3. The complainant – Laxmibai D. Kamble, is the mother of the deceased – Siddharam. According to her, one year prior to the incident, she

had taken a sum of Rs.10,000/- from the applicant and that inspite of repayment of the said amount the applicant was demanding more amount from the complainant, pursuant to which there were regular disputes between them. She has alleged that 3 or 4 months prior to the incident the applicant had again raised a quarrel with the complainant, for return of money and that the applicant's son, a juvenile had assaulted the deceased. She had stated that pursuant to the said quarrel, she had sent her son Siddharam (deceased) to her daughter's house at Vijapur. She had further stated that although there was a dispute between them, whenever Siddharam came back to Solapur, he would visit the son of the applicant. She has alleged that on 8th December, 2015 she learnt from Ambubai S. Jahire, the niece of the present applicant that the applicant was assaulting her son, pursuant to which she went to the spot and saw that the applicant had assaulted her son with a brick which was lying on the spot, on the back side of his head. She has also stated that the applicant's son had also assaulted the deceased with fist and kick blows and had pushed her son on the floor. She has stated that thereafter, she took the deceased to the Civil Hospital, however, he was declared dead before arrival.

4. Learned Counsel for the applicant submitted that the co-accused, i.e. the applicant's son has been enlarged on bail, as he was a juvenile. He submitted that the incident had taken place on the spur of the moment and that the applicant is alleged to have picked up a brick which was lying on the spot and assaulted the deceased on the back side of his head. He submitted that it was the deceased who had gone to the house of the applicant and had raised a quarrel, pursuant to which the aforesaid incident took place. He further submitted that the applicant has been in custody since 9th December, 2015.

5. Learned APP opposed the bail application. He submitted that there are eye-witnesses to the said incident viz., Ambubai S. Jahire and Ganesh Berunagi. He submitted that it was the applicant who assaulted the deceased with a brick on the back side of his head as a result of which the deceased succumbed to the injuries.

6. Perused the papers. It appears that there was some dispute between the applicant and the deceased. It also appears that the deceased had gone to the house of the applicant on the day of the incident, pursuant

to which the aforesaid incident took place. The applicant is alleged to have picked up a brick which was lying on the spot and had thrown the same on the back side of his head. Perused the injury certificate. It appears that the deceased had suffered a lacerated wound on the left occipital region and contusion over the left parieto-temporal region. It appears that there was no fracture of the scalp. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid and keeping in mind the proviso to Section 437 of the Code of Criminal Procedure, the applicant is enlarged on bail on the following terms and conditions:

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(iv) The applicant to cooperate with the conduct of the trial;

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.