

BAIL APPLICATION NO.249 OF 2016

Mr. A.K. Rajput i/b. Ms. Anjali Patil, for the Applicants.
Mrs. S.S. Kaushik, APP for Respondent – State.
IO. Mr. C.P. Bapat (PSI), Bhandup police station is present.

DATE: **23rd MARCH, 2016**

. The application is moved for bail. The applicants/accused are facing charges for the offences punishable under Sections 302 read with 34 and 120(B) of the Indian Penal Code and under Section 37(1) read with 135 of Arms Act in C.R. No. 518 of 2015 registered with Bhandup police station, Mumbai. The offence is registered at the instance of police Naik Mr. Harish Rathod on 9th September, 2015.

2. One Bharati Chauhan is the daughter in law of

applicant/accused No. 2 Ratan and sister in law of applicant/accused No. 1 Usha, has been murdered during the night intervening 8th September, 2015 and 9th September, 2015. On 8th September, 2015 the family members of the deceased i.e. both the applicants/accused and the husband of the deceased along with their children were supposed to attend one religious function at the house of their relative at Mazgaon. However, as per the case of the prosecution, it was pretended by the applicants/accused that the deceased remained at home to fill up the tap water. When they returned on 9th September, 2015 at 8.20 pm, the door of the house was bolted from outside and when they entered the house, they found on the mezzanine floor in one brass tank Bharti's dead body was kept. Therefore, the applicants/accused went at police station and informed about the murder of the deceased and the offence was registered. On investigation, police found that the applicants/accused were not at home at the time of incident and they were at the home of their relative for some religious function. As per the case of the prosecution, husband Kiran Chauhan and one Purushottam Chauhan, the co-accused have inflicted multiple blows on the body of Bharti and she succumbed to the injuries. The applicants/accused were

arrested on 12th September, 2015 and they are inside since then. Hence, this bail application.

3. The learned counsel for the applicants/accused submit that both the applicants have not played any role in the murder of Bharti. There is no evidence against them. It is the case of the prosecution that Bharti was killed by her husband Kiran Chauhan. Thus, the applicants/accused at the most have lies before the police. Hence, they be released on bail.

4. The learned prosecutor while opposing the bail application submits that the autopsy report of the deceased discloses that the deceased died due to hemorrhagic shock due to multiple incised wound, skull bone fracture and multiple fractures.

5. Perused the first information report, statements of the witnesses including a child witness and the postmortem report. The postmortem report discloses that there were 18 injuries on the body of Bharti. It is a very brutal murder committed by the assailants. Considering the statements of witnesses, it appears that these two

witnesses were present when the incident of assault has taken place. They did not attend any religious function at the house of relatives. The applicants/accused *prima facie* appears to be lied the police authority with a view to suppress the fact of murder of Bharti. The applicant/accused No. 2 is the mother and applicant/accused No. 1 is the sister of the main culprit. It appears that both the applicants/accuses might have tried to suppress a true fact. However, at this stage, there is no reliable evidence to show that the applicants/accused have assaulted Bharti and played active role in the assault to Bharti and have committed murder. Hence, I am inclined to grant bail to the applicants/accused. In view of above, I pass the following order:

- a) The bail application is allowed.
- b) The applicants/accused be enlarged on bail upon furnishing P.R. Bond in the sum of Rs. 30,000/- with one or two solvent sureties in the like amount.
- c) They shall not tamper with the evidence and shall not pressurize the witnesses.
- d) They shall not indulge into any criminal activity, while on bail.

e) They shall attend all the Court dates regularly during the trial.

f) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

6. Bail application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)