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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.756 OF 2016

Mr. Kavita Anil Pawar	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Pravin U. Gaikwad, for the Applicant.
Mr. Deepak Thakery, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 15th JULY, 2016.

P.C. :

1. The applicant/accused, arrested in connection with Crime No.412 of 2015, registered with Kothrud Police Station, Pune, for the offence punishable under Section 302 of the Indian Penal Code, by this application is seeking bail pending disposal of trial.
2. Heard the learned counsel for applicant/accused. He argued that the only evidence available against present applicant is that of statements of Parshuram and Smriti, who are child witnesses. The learned counsel further argued that one more witness was available, but the Investigating Officer has not recorded the statement of said witness.
3. I also heard learned APP. He opposed the application, by

pointing that the offence is serious.

4. Perused the chargesheet. Anil Pawar died homicidal death on 10.8.2015 at his residential room in chawl No.15B, Jai Bhawani Nagar, Kothrud, Pune. The postmortem report shows that the deceased had suffered injuries in the nature of contusion and abrasions. The cause of death is stated to be multiple blunt injuries and the resultant haemorrhagic shock.

5. According to prosecution case, deceased Anil was addicted to liquor and he used to beat his wife i.e. present applicant Kavita Pawar under intoxication of liquor. The F.I.R. lodged by Abhijit Jogdand, PSI, reveals that the deceased Anil used to quarrel with his wife frequently and mother of Anil used to pacify and separate Anil. The statement of Gayatri Nikate shows that in the evening hours of 10.8.2015, she heard sounds of shouting from room of deceased Anil and the present applicant. It is seen from statements of Parshuram and Smriti, children of the deceased and present applicant that present applicant had beaten the deceased with plastic pipe. Prima facie it is seen that the incident in question occurred because of addiction of liquor and quarrel by the deceased with his wife/applicant. The weapon allegedly used is plastic pipe and the injuries are in the nature of contusion and abrasion. As such prima facie it does appear that the applicant/accused was harbouring intention to commit

murder of deceased Anil. In this view of the matter, pretrial detention of the applicant is not warranted and therefore following order.

Order

- I) Application is allowed.
- II) Applicant arrested in connection with above offence, be released on bail on her executing P.R. Bond in the sum of Rs.5,000/- and on her furnishing surety in the like amount.
- III) 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.
- IV) The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
- V) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]