

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRI. BAIL APPLICATION NO. 1633 OF 2016**

Sou. Rekha Suresh Bhosale

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

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Mr. Ravindra S. Pachundkar, Advocate for the Applicant.

Mr. Deepak Thakre, A.P.P. for the State.

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**CORAM : A. M. BADAR, J.**

**DATE : 11<sup>th</sup> AUGUST, 2016**

**P.C. :**

1           The applicant/sister-in-law of the informant, who is accused in crime no.173 of 2016 for the offences punishable under sections 498-A, 307, 323, 328, 504 r/w. 34 of the Indian Penal Code, registered with Nighadi Police Station, Pune, by this application is seeking bail on filing of the charge-sheet.

2           Heard the learned counsel appearing for the applicant as well as learned APP for the State. Perused the chargesheet including the FIR lodged by Radhika Santosh Pawar. The present applicant-Rekha Bhosale is the sister of husband of informant-Radhika Pawar. She is residing in the neighbourhood of her brother Santosh Pawar. The informant averred that after her marriage with co-accused-Santosh

Pawar, she was subjected to cruelty and with an allegation that she administered poison to Punam, who is the daughter of the present applicant, the informant was sent to her parental house of her husband and in-laws. Thereafter, according to the informant on 24.03.2016, she had been to her matrimonial house for meeting her daughter. At that time, accused persons including the present applicant caught hold of her, constricted her neck by ligature and thereafter, poison was administered to her for killing her. The chargesheet is accompanied by a copy of FIR in crime no. 175 of 2016 lodged by the present applicant against informant-Radhika Pawar. This FIR contained averments that informant -Radhika had administered poisonous material to Punam, who is daughter of the present applicant-Rekha.

3           So far as the crime in question is concerned, in response to the query by the Investigating Officer, the Medical Officer had informed the investigator that informant -Radhika was not having injury on her person at the time of her admission to the hospital. It is further informed that there was slight abrasion on the neck of informant-Radhika which may have been caused prior to 4 to 5 hours of her admission to the hospital. It is further reported by the Medical Officer that informant- Radhika was not in unconscious condition. It is seen from the charge-sheet that even stomach wash of the informant was not collected. In this backdrop, it is seen that

the report submitted by the Police Sub-inspector of Nigadi Police Station to the Senior Police Inspector becomes irrelevant. When the Police Sub-Inspector contacted informant Radhika on 25.03.2016 at the Hospital she refused to give statement. Record of refusal by the informant to give her statement is made by the said Police Inspector. Subsequently, on the next day informant-Radhika had given her FIR, involving all family members of her husband in the crime in question. Prima facie, there is no evidence to show that by use of ligature an attempt was made to strangle the informant or that there was forcible administration of poison to her. In this view of the matter, on conclusion of the investigation, pre-trial detention of the applicant is not warranted. As such the following order :

### **ORDER**

- i. The bail application is allowed.
- ii. Applicant/accused in Crime No. 173 of 2016 for the offences punishable under sections 498-A, 307, 323, 328, 504 r/w. 34 of the Indian Penal Code, registered with Nighadi Police Station, Pune, be released on bail on executing PR Bond in the sum of Rs. 5,000/- and on furnishing solvent surety in the like amount.

- iii. As a condition of this order, the applicant should co-operate with the trial court in expeditious disposal of the trial against him.
- iv. In addition, the Applicant/accused is directed that she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against her so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that applicant shall not tamper with the prosecution evidence in any manner.
- v. The bail application is disposed of accordingly.

(A. M. BADAR, J.)

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