

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

CRIMINAL BAIL APPLICATION NO. 1885 OF 2016

1 Sou Parvati Balaso Khomane.
2 Sou Usha Gajaba Khomane. ... Applicants.

Versus

The State of Maharashtra. ... Respondent.

Mr. Kuldeep Patil i/b. Mr. Prashant S. Hagare, advocate for Applicants.

Mr. Prashant Jadhav, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 1, 2016**

P.C.:

1 Heard the learned Counsel for the applicants and the learned APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicants herein is arrested on 11/8/2016 in Crime No. 340 of 2016 registered at Baramati Taluka Police Station

for offence punishable under Section 302, 201 of the Indian Penal Code.

3 The applicant No. 1 happens to be the mother of the deceased Bharat, whereas the applicant No. 2 happens to be the sister-in-law of the deceased Bharat. Investigation is in progress.

4 On 31/7/2016 Santosh Wayse lodged a report at the Baramati Taluka Police Station. The complainant is the brother in-law of the deceased Bharat i.e. husband of the sister of Bharat. He was informed that Bharat has died. He had gone to the house and seen the dead body, which was placed on bed. He has seen ligature mark on the neck. Upon enquiry, he was informed that Bharat had been to the house of the neighbour Sarjerao and did not return home. On the next day, when the applicant No. 1 had gone for answering the nature's call, she found that Bharat was lying in abandoned condition and he was dead and he was brought at home. The post mortem notes indicates that cause of death is due to strangulation.

5 The learned Counsel for the applicants submits that taking into consideration the fact that the applicants herein are women, moreover, the applicant No. 1 happens to be the mother of the deceased and the applicant No. 2 has two minor children aged about 4 years and 2 years, they deserve to be enlarged on bail.

6 Taking into consideration the fact that the applicants are women, by virtue of proviso to section 437 of the Code of Criminal Procedure, 1973, the applicants deserve to be enlarged on bail.

7 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

8 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each and one or more sureties in the like amount.
- (iii) The applicants shall not tamper with the evidence.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)