

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 150 OF 2017

1. Pandit Bansi Pawar,
Age: 61 years, Occupation: Agriculture,
R/o: Waghadi Wadi, Tq: Partur,
District: Jalna
2. Sharda Vilas Rathod,
Age: 31 years, Occupation: Housewife,
R/o: Khambewadi, Tq. & District: Jalna ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Joydeep Chatterji, Advocate for applicants;
Mr V. S. Badakh, Addl. Public Prosecutor for respondent

CORAM : N. W. SAMBRE, J.

DATE : 25th January, 2017

ORAL ORDER

By the present application under Section 439 of the Code of Criminal Procedure, the applicants seek their release on bail in connection with C.R. No. 233 of 2016, registered with Police Station, Partur, Dist. Jalna for offences punishable under Sections 302, 498-A, 304-B, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. At the outset, learned Counsel appearing on behalf of the applicants, on instructions, does not press application to the extent of applicant No.1 Pandit Bansi Pawar. As such, present application, to his extent stands rejected being not pressed.

(2)

3. It is brought to my notice that applicant No.2 Sharda Vila Rathod, a woman, is staying in jail along with her 1½ years old son.

4. The aforesaid position is not disputed by the learned Addl. Public Prosecutor.

5. Apart from above, the role attributed to the applicant in commission of the crime is that of caught holding of feet of the deceased while she was administered poison by her father.

6. In view of above referred material available against the applicant and the fact that the applicant's claim is required to be considered pursuant to first proviso to Section 437 of the Code of Criminal Procedure, in my opinion, it will be appropriate to order release of applicant No.2 on bail. Hence, following order:

Present application, to the extent of applicant No.1 - Pandit Bansi Pawar stands rejected being not pressed.

Applicant No.2 – Sharda Vilas Rathod be released on bail, in connection with C.R. No. 233 of 2016, registered with Police Station, Partur, Dist. Jalna for offences punishable under Sections 302, 498-A, 304-B, 323, 504, 506 read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one or two sureties for the like amount.

(3)

Application stands disposed of in above terms.

(N. W. SAMBRE, J.)

amj