

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

6 CRIMINAL APPLICATION NO. 1080 OF 2017

SATYABHAMA @ SHAHUBAI W/O SAUDAGAR PAWAR
VERSUS
THE STATE OF MAHARASHTRA

Shri. Sachin S. Panale, Advocate, for applicant.

Shri. A.A. Jagatkar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 3 April 2017

ORDER:

1) The application is filed for bail. Learned counsel for the applicant submitted that this is the first application filed for bail in this Court. Both the sides are heard. Papers of investigation were made available to this Court.

2) Charge sheet is filed against the present applicant and one Lakhan @ Laxman Jadhav for offences punishable under sections 302, 114 of the Indian Penal Code. The deceased was husband of the present applicant.

There was some dispute between the deceased and the present applicant as the deceased was addicted to *ganja* and liquor. The deceased used to sleep in the campus of one temple but in the same village. 15 days prior to the date of the incident, present applicant had gone to Bhiwandi where Lakhan @ Laxman Jadhav lives for his livelihood. She had affairs with Lakhan @ Laxman and she had stayed there. During inquiry of missing report given by the mother of the present applicant, police traced present applicant and they brought the applicant back to the village. When she was brought to the village she preferred to live in the house of her mother and she lived with her mother.

3) The incident took place on the night between 25-6-2016 and 26-6-2016. Brother of the deceased gave report to police that on that night somebody committed murder of Saudagar in the campus of the temple where he used to sleep. the material collected shows that at least two witnesses had seen Lakhan in the campus of temple at that time.

4) Learned Additional Public Prosecutor drew attention of this Court to the statement of the present applicant showing that she disclosed on one occasion that she had expressed to Lakhan @ Laxman that Saudagar needs to be finished. There is no material collected against the applicant to show that during last 15 days present applicant was in touch with the main accused Lakhan. She was not having mobile and nobody had seen her in the company of Lakhan during last 15 days.

5) In view of nature of the material, the prosecution has used section 114 of the Indian Penal Code. Provision of section 114 of the IPC shows that for proving the abetment of the main accused under this section the prosecution is required to show that the accused was present on the spot at the time of commission of offence. There is material of aforesaid nature, this Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case. It is not certain as to how much time will be required for disposal of the case filed against the applicant.

6) In the result, the application is allowed. The applicant is to be released on bail in Crime No.251/2016 registered in Latur Rural Police Station, District Latur for offences punishable under sections 302, 114 of the Indian Penal Code on her furnishing PB and SB of Rs.15,000/-. The applicant is not to tamper with prosecution witnesses. She is not commit similar offences.

Sd/-
(T.V. NALAWADE, J.)

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