

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

13 CRIMINAL APPLICATION NO. 1684 OF 2017

SHOBHABAI W/O. MANILAL PATIL
VERSUS
THE STATE OF MAHARASHTRA

Shri. Afzal Husain M. Vakil, Advocate, for applicant.

Shri. S.D. Ghayal, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 18 April 2017

ORDER:

1) The application is filed for bail. Both the sides are heard. Original papers of investigation were made available for perusal. Charge sheet is filed for offences punishable under sections 302, 201, 120-B, 34 of the Indian Penal Code.

2) Deceased Manilal was husband of present applicant Shobhabai. Accused Chudaman was known to the present applicant from many years. The deceased was sick person and the family of the present applicant and

deceased was indebted. The creditors were pressing hard for return of the money. The applicant wanted to sell the house property but the deceased was against it. The accused Chudaman used to meet the present applicant even by visiting residential place. He was seen on 29-5-2016 in the evening time also.

3) The incident in question took place on the night between 1-6-2016 and 2-6-2016 at about 1. 00 a.m. The deceased and the present applicant were sleeping on the terrace of the first floor. In the night time, present applicant shouted and due to that her brother and others gathered there. The deceased was lying in pool of blood. The present applicant disclosed that the deceased had vomiting of blood and the blood was due to vomiting. The relatives tried to take the deceased to the hospital with the hope that he was alive. They noticed that the neck of the deceased was virtually cut. Thus false information was given by the present applicant to her close relatives including her real brother. Not only that she gave report to police which was taken as F.I.R. on 2-6-2016 to the effect that some unknown person had murdered her

husband. During the course of investigation it transpired that Chudaman had illicit relation with the present applicant and for removing obstacle the deceased was finished.

4) There are following circumstances showing against the present applicant.

(i) The applicant and the deceased were sleeping on the terrace of the first floor and only the applicant had opportunity either to finish the deceased or to allow Chudaman to come there and finish the deceased;

(ii) C.D.R,. record showing that on 29-5-2016 and also on 1-6-2016 she was in touch with Chudaman.

(iii) Persons had seen Chudaman at the residential place of the applicant on 29-5-2016;

(iv) On the basis of statement given by Chudaman weapon is recovered under section 27 of the Evidence Act;

(v) Two wounds were noticed on the neck of the deceased; one was chop wound and the other was incised wound.

5) The aforesaid circumstances are sufficient to make out a prima facie case for offence of murder only due to illicit relations and so this Court holds that

discretionary relief cannot be given in favour such woman. Close relatives of the present applicant like brother will be giving evidence and so there is possibility of tampering with the prosecution evidence. In the result, the application stands rejected. The observations made are only for the present purpose only.

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

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