

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1950 OF 2017

Pandit Bansi Pawar ... **Applicant**
Age 61 years, Occu: Agri
R/o Waghadi Wadi Tq. Partur
Dist. Jalna

VERSUS

The State of Maharashtra ... **Respondent**
Through Partur Police Station

Mr. Joydeep Chatterji, Advocate for the applicant
Mr. P. N. Kutti, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 6th June, 2017

ORDER:

1. Heard Mr. Chatterji, learned counsel for the applicant and Mr. Kutti, learned APP for the State,.

2. On the basis of FIR lodged by one Harichand Rathod, offence bearing Crime No.233/2016 came to be registered against the present applicant and other accused persons with the Partur Police Station Dist. Jalna for the offences punishable under Section 302, 498-A, 323, 504, 506 read section 34 of the Indian Penal Code. Allegations against the accused persons are that husband of the deceased Kanta, namely Nandu had administered poison to his wife Kanta, whereas the present applicant and other two ladies accused were

instigating the husband to administer poison. Another accused Kalabai brought a tin of poison, handed over to husband of deceased Kantabai, on which, the husband administered poison to the deceased by pouring it in the mouth of the deceased.

3. Learned counsel appearing for the applicant states that the other accused namely Sharda and Kalabai have been already released on bail by this court. There are same allegations against the present applicant and therefore, the present applicant is entitled for bail on the ground of parity.

4. Learned AGP opposed the application on the ground that there is direct evidence connecting the applicant with the alleged crime. The role attributed to the present applicant is specifically mentioned by the witness- Anil. Therefore evidence against the present applicant in reference to the instigation is very much consistent and therefore the applicant is not entitled for bail.

5. I have gone through the earlier orders passed by this court while releasing accused Sharda and Kalabai on bail. The only allegation against the applicant is that he was instigating the husband of

deceased by saying to kill the deceased Kanta.

6. After conducting investigation, Investigating Officer has submitted the charge-sheet. Considering the nature of accusation against the present applicant, I am of the opinion that the applicant can be enlarged on bail by putting certain conditions. Hence the application is allowed.

7. The applicant shall be released on bail on his furnishing personal bond of Rs.25,000/-(Rupees twenty five thousand) with one solvent surety of like amount.

8. The applicant shall not tamper with prosecution evidence, in any manner and shall not contact the prosecution witnesses mentioned in the charge-sheet.

9. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC