

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

CRIMINAL APPLICATION NO. 2113 OF 2017

Namrata Prashant Shrivastav

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. N.V. Gaware, Advocate for applicant.

Mr. M.B. Bharaswadkar, A.P.P. for respondent - State.

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**CORAM : P.R. BORA, J.
(VACATION COURT)**

DATED : 09th MAY, 2017

ORDER :

1. Heard learned Counsel appearing for the applicant and learned A.P.P. Crime No. 175 of 2017 is registered against the present applicant alongwith some other accused for the offences punishable under Sections 304, 307, 323 read with 32 of the Indian Penal Code.

2. The alleged incident is stated to have occurred on 10th March, 2017. The applicant was arrested in the aforesaid crime on 13th March, 2017 and since then she is behind the bars. As is revealing from the contents of the F.I.R., a quarrel had occurred between husband of the applicant and the applicant on one side and the informant and her husband on the other side.

It is alleged against the applicant that she pushed the son of the informant into a well because of which he suffered injuries. The prosecution case further reveals that subsequently the husband of the informant was also pushed in the well by the husband of the present applicant and he ultimately lost his life. Learned Counsel for the applicant submitted that though there is an allegation against the applicant that she pushed the child of 11 years who happens to be the son of the informant into a well, no injuries are noticed on the person of the said child. Learned Counsel submits that it indicates falsity in the allegation made against the applicant. Learned Counsel further submitted that almost all investigation is completed and charge-sheet is only to be filed. Learned Counsel further submitted that since the present applicant and her husband both are behind the bars, no one has remained in their family to look after the old aged persons in the family as well as the children. Learned Counsel has therefore prayed for release of the applicant on bail.

3. Learned A.P.P. has opposed for granting the bail stating that there is concrete evidence is collected against the present applicant. Learned A.P.P. further submitted that some investigation is yet to be completed and as such it may not be proper to release the applicant at least till filing of the charge-sheet.

4. On perusal of the material on record it appears that the investigation is almost completed. The statement of all the material witnesses seems to have been recorded. Though it is submitted by the learned A.P.P. that some investigation is yet to be completed, nothing has been pointed out as to what sort of investigation is yet to be carried out. I have perused the statement of the witnesses also. The allegation against the present applicant is that she pushed 11 years old child into a well. It appears that some transaction had taken place between the applicant and her husband with the informant and her husband relating to some property and that seems to have given rise for allegations against each other. Considering the evidence on record against the applicant, it does not appear to me that there is any propriety in henceforth keeping the applicant behind the bars. I am therefore inclined to allow the present application. Hence the order:

The applicant be released on furnishing P.R. bonds in sum of Rs.15,000/- (Rupees Fifteen Thousands Only) and the surety in the like amount before the Trial Court. The applicant shall not make any attempt to tamper the prosecution evidence.

(P.R. BORA, J.)

SSD