

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2645 OF 2017
IN
CRIMINAL APPEAL NO. 173 OF 2017

Suman w/o Premsing Thakur

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A.A. Mukhedkar, advocate for the applicant.
Mr. K.S. Patil, A.P.P. for Respondent.

**CORAM : R.M.BORDE &
K.K. SONAWANE, JJ.**

DATE : 5th JUNE, 2017

PER COURT:

Applicant-accused is convicted of offence punishable under section 302 of the Indian Penal Code and is sentenced to imprisonment for life. Accused is alleged to have committed murder of one Shrikant, with whom, it is alleged that she had illegal relations and that the deceased was having visiting terms with the accused. Deceased was frequently visiting the accused at her residence. It is alleged that the accused hit the deceased with the help of a stone and caused serious injury which resulted in his death and, thereafter, the accused tried to burn the body of the deceased by pouring liquor.

2. The case rests on the circumstantial evidence, and one of the circumstances, which, according to the learned trial Judge, is sufficient to hold accused guilty, is the disclosure made by accused

to one witness PW 3 while in police custody. PW 3 is the uncle of deceased and it is alleged that while he visited the police station, accused who was in police custody, disclosed the fact of commission of offence in his presence.

3. The circumstance alleged against the accused is a weak piece of evidence and cannot form the sole basis for holding her guilty. The accused was admittedly in police custody and as such, disclosure made by her to PW 3 while in police custody is not an admissible piece of evidence which can be used against her. There is no complete chain of circumstances established to point out that it is the accused and none other else who has committed the alleged crime. There is neither any direct nor circumstantial evidence to link the accused with the alleged crime. It is informed that the accused who is a lady was enlarged on bail during the course of trial. It is not pointed out by the respondent that while on bail the accused misused the liberty granted to her and interfered in the process of investigation or the trial.

4. For the reasons recorded above, we are of the opinion that accused-applicant is entitled to be released on bail. Accused-applicant shall be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- with one surety for the like amount. Accused shall not leave the jurisdiction of Nanded district. Bail in trial Court. Application stands disposed of.

(K. K. SONAWANE)
JUDGE

(R.M.BORDE)
JUDGE