

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.173 OF 2017

Smt.Jaya Ganesh Waghire ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.V.R. Garad for the Applicant
Mrs.Rutuja Ambekar, A.P.P., for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 15, 2017

P.C. :

1. The applicant/accused is prosecuted for the offences punishable under section 302 r/w section 34 of the Indian Penal Code. The applicant/accused Jaya Waghire is the wife of the deceased Ganesh Waghire. The applicant/accused is also the complainant in C.R. No.125 of 2016 registered at Barshi police station. It is the case of the prosecution that on 2.4.2016, at about 8pm, the applicant/accused demanded money for the goods which she had purchased from a dealer, however, her husband refused to give her money and told her to earn money by prostitution. So, she got enraged. Thereafter, when her husband slept in the

courtyard of the house, the applicant/accused assaulted him with a grinding stone on his head twice. The deceased died on the spot and thereafter, she called her relatives and informed that some unknown persons have committed murder of her husband. She expressed suspicion against one Naushad Hamid Mulani and Naga alias Nagesh Shivappa Bhatugande and therefore, section 34 of the Indian Penal Code was mentioned. However, thereafter, the police found that she was the perpetrator of the crime and then, she was arrested on 4.4.2016 and hence, this Bail Application.

2. The learned Counsel for the applicant/accused has submitted that there is no evidence against the applicant/accused. There is no eye witness to the incident of assault. He further submitted that the applicant/accused is behind the bars since last 10 months and also being a women, the applicant/accused be released on bail.

3. Learned Prosecutor has submitted that there is circumstantial evidence against the applicant/accused. She was alone in the house alongwith the deceased on that night. She relied on the recovery panchanama dated 4.4.2016 under which

blood stained clothes of the applicant/accused and the blood stained grinding stone were recovered by the police. She further relied on the statement of her son and her daughter-in-law to whom she has given extra-judicial confession of killing her husband.

4. Perused the postmortem notes disclosing that the deceased died due to injury to brain and hypovolumic shock from haemorrhage from the wounds. Considering the submissions made by the learned Prosecutor and the facts of the case, I am not inclined to grant bail. There is *prima facie* evidence against the applicant/accused in the commission of the offence. Hence, the Bail Application is rejected.

(MRIDULA BHATKAR, J.)