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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.966 OF 2017

Asha Uttam Taware

..Applicant.

V/s.

The State of Maharashtra

..Respondent.

Mr.Sandeep Dere for the Applicant.

Mr.S.H. Yadav, APP for the Respondent-State.

CORAM : T.V.NALAWADE, J.

DATED : 9 AUGUST 2017

P.C.:-

This application is filed for bail in Crime No.42/2016 registered with Chandan Nagar police station, Pune for offence punishable under section 302 read with 34 of the IPC. Both the sides are heard.

2. The papers of investigation show that the crime was registered on the basis of report given by one Prabhakar Devale.

Deceased Prakash Davale was the brother of Prabhakar Devale. Prakash Devale was doing the business of broker in real estate. It is contended that Prakash had developed relations with the present Applicant. The Applicant has a son aged about 25 years, who is a co-accused. It is contended that the Applicant had deserted her husband and she had established relations with Prakash.

3. It is the case of the first informant that his brother Prakash had given Rs.4,00,000/- to the present Applicant. The complainant and others had seen Prakash and this lady co-habiting together. For some time, there was dispute between the family of the present Applicant and Prakash and on one occasion the Applicant was assaulted by the son of the Applicant. However, Prakash did not file any police complaint as he was feeling that it was dispute of family matter.

4. One month prior to the incident, Prakash made demand of money from Prabhakar. On 18 March 2016, the first informant gave Rs.50,000/- to Prakash at his residential place. Applicant came

there and prepared food for both. The first informant did not take the food prepared by her as he had his own tiffin. He left the place at about 5.00 p.m. On that day and at that time, the present Applicant was in the company of the deceased. He returned to the place of residence of Prakash at about 10.30 p.m. when he noticed that the door of the flat was closed from inside and he went to the other flat for sleeping. On 19 March, 2016 at about 6.30 a.m. when the first informant left for morning walk, at that time also he noticed that the door of the flat of Prakash was closed from inside by putting a latch. When at 10.30 a.m. he noticed that the door was not opened, he gave calls to Prakash. Then he gave a call on phone but there was no response to the phone call. Then he noticed that the second door of the flat was in open condition and he entered into the flat and saw that the dead body of Prakash was lying in the kitchen. There was cut injury on the neck of Prakash and a blanket was found tied around the dead body. He noticed that there was blood on the bed of Prakash. The dead body was noticed at 12.00 noon and then he called the police on phone and gave a report in writing to the police.

5. The P.M. report shows that the death took place due to the aforesaid injury. Record shows statement was made under section 27 of the Evidence Act by the present Applicant and on that basis, police recovered blood stained sari of the present Applicant and also the weapon. It is the allegation that the present Applicant and her son together finished Prakash. There is allegation that the son of the Applicant did not like the relationship between Prakash and the Applicant. No relief can be granted in favour of the present Applicant as she may abscond. In the result, the application stands rejected.

(T.V.NALAWADE, J.)