

Anand

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

BAIL APPLICATION NO. 2011 OF 2017

1. Baban Sadashiv Admane .Applicants
2. Suman Baban Admane

Vs.

The State of Maharashtra .Respondent

Mr. Rupesh Zade, Advocate, for the Applicants
Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 06.11.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 74 of 2016 registered with Indapur Police Station, Pune under Sections 302, 498A, 326, 323, 504 & 506 of the Indian Penal Code.

2. It is the prosecution case that deceased – Ashwini was married to co-accused – Kumar Admane seven years prior to 19.02.2016. That the Applicants alongwith other accused persons used to ill-treat Ashwini on the ground that she did not conceive pregnancy. It is the categorical case of prosecution that the Applicant No.1 – Baban Admane, who was father-in-law of deceased was soliciting sexual

favours from her and threatened her of dire consequences. That an application under the provisions of the Protection of Women from Domestic Violence Act, 2005 against in-laws was filed by Ashwini and a complaint under Section 125 of the Code of Criminal Procedure for maintenance was also filed. The said cases were settled and the deceased started co-habitation with her husband at her matrimonial house. That unfortunately harassment persisted. That on 17.02.2016 at about 6.30 a.m., Kumar Admane – husband of deceased Ashwini and the Applicant No.1 assaulted the deceased with an iron cylinder. The deceased succumbed to injuries and thereafter, the present crime is registered. During the course of investigation, the Applicants came to be arrested and after completion of investigation, police have submitted charge sheet.

3. The record indicates that apart from the allegation that the Applicant No.1 – Baban Admane who is her father-in-law used to solicit sexual favours from the deceased – Ashwini, a witness namely Dilshan Taher Shaikh, a neighbour of the Applicants has specifically stated that on the date of incident, he saw co-accused – Kumar Admane and the Applicant No.1 – Baban Admane assaulting the deceased. The post mortem notes indicate that the deceased suffered in all 14 injuries including under scalp haematoma to bilateral frontal region and skull.

The Medical officer has given his opinion as to the cause of death as “Head injury with its complications” Thus, there is sufficient material against the Applicant No.1 to show his complicity in the present crime.

As far as the Applicant No.2 is concerned, except general allegations made against her in the FIR and by other witnesses, the record is silent about any overt act attributed to her.

4. In view thereof, the Application of Applicant No.1 - Baban Admane is rejected, however, the Applicant No.2 - Suman Admane can be released on bail.

Hence, the following order.

- (i) Application for bail of Applicant No.1 is rejected;
- (ii) Application for bail of Applicant No.2 in CR No. 74 of 2016 registered with Indapur Police Station, Pune is allowed on the following terms & conditions :-

(a) The applicant No.2 be released on bail on her furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

(b) After her release from Jail, applicant No.2 shall attend the Indapur Police Station, Pune on every 1st Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of trial;

(c) Applicant No.2 shall also attend all the dates before the trial Court;

(d) Applicant No.2 shall not tamper with the evidence and/ or influence the prosecution witnesses.

5. Application is partly allowed in the aforesaid terms.

(A.S.GADKARI, J.)