

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO. 2294 OF 2016**

Laxmi @ Laxmibai Mallikarjun Waghmare ... Applicant  
Vs.

The State of Maharashtra ... Respondent

Mr. Samir Kumbhakoni, Advocate for the applicant.  
Mr. Sooraj S. Hulke, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**  
DATE: **15<sup>th</sup> March, 2017.**

**P.C.:**

This Application is moved by the applicant/accused for bail, as she is facing prosecution for the offences punishable under sections 302 and 201 of the Indian Penal Code in C.R. No. 108 of 2016 registered with Salgar Vasti Police Station, Solapur.

2. It is the case of the prosecution that deceased Shobha was staying with her mother, i.e., applicant/accused, her father and two brother near Ambabai Temple, Solapur. The deceased was 24 years old . On 17<sup>th</sup> June, 2016 the father went to some other village. In the morning at around 6 a.m. Shobha was found unconscious in the hall. She was not breathing, therefore, they called rickshaw and took her to railway hospital. The doctor found her dead. The postmortem was

conducted and the doctor opined that it was unnatural death due to compression over the neck. Therefore, the offence was registered under section 302 r/w. 34 of the Indian Penal Code. The police arrested the mother and two brothers of the deceased on 22<sup>nd</sup> June, 2016, as they were present in the house at the time of incident. Hence, this Bail Application is moved by the mother of the deceased.

3. The learned counsel for the applicant/accused has submitted that there is no evidence against the applicant/accused. She is arrested on suspicion, therefore, she be released on bail.

4. Learned APP while opposing this Bail Application has relied on the postmortem report, FIR and statements of the neighbours and rickshaw driver in whose rickshaw deceased was taken to the hospital. Learned APP submitted that the doctor of Railway Hospital when told that postmortem was required to be conducted, at that time, applicant/accused and father of deceased were reluctant for the same and they demanded the body. He further submitted that at the time of incident, only three family members were present in the house and therefore they were arrested.

5. Considered the submissions made by the learned counsel and the learned APP. Perused the FIR and the statements of neighbours and rickshaw driver. Perused PM notes. Shobha had unnatural death. *Prima facie* it appears that when she was killed, only three family members, i.e., applicant/accused and co-accused were in the house. However, nothing is brought on record to show that the applicant/accused has committed this offence. Moreover, she is a woman. Under such circumstances, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

**ORDER**

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.50,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not tamper the evidence;
- (iv) The applicant shall not pressurize the witnesses;
- (v) The applicant shall not jump the bail;
- (vi) The applicant shall attend all the court dates;
- (vii) The applicant shall not abscond or leave India without prior permission of the Court and furnish her permanent address to the Investigating Officer alongwith documentary proof of

her address;

(viii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. The Application for bail stands disposed of on above terms.

**(MRIDULA BHATKAR, J.)**