

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

BAIL APPLICATION NO.2870 OF 2017

Sulabha Tukaram Shirsat & Ors. Applicants

Vs.

The State of Maharashtra Respondent

Mr. Jaydeep D. Mane for the Applicants.

Mr. P.P. Shinde, APP for the State.

Mr. Suhas Pawar, PI, Solapur Taluka Police Station.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 11th December, 2017

P.C.:

1 Heard the learned counsel for the applicants. Perused the papers of investigation .

2 This is an application under Section 439 Code of Criminal Procedure.

3 The applicants herein are arrested on 1st November, 2017 in Crime No.572 of 2017, registered at Solapur Rural Police Station, Pune, for the offences punishable under Sections 302, 447, 323, 504,

506, 143, 147, 148, 149 read with 34 Indian Penal Code.

2 It is the case of the prosecution that on 1st November, 2017, the complainant-Tai Shirsat lodged a report at Police Station alleging therein that she was residing at her parents house as she was widow. It is alleged that there was a civil dispute between her family and the family of the applicants regarding land, gat No.212, situated at village Padsali, Taluka Uttar Solapur, District Solapur, admeasuring 2 hectare, 91 ares. That accused- Tukaram i.e. husband of the present applicant was sowing the crops in the disputed land and therefore there was quarrel between both the families. That the present applicant, her husband and other relatives had assaulted the father of the complainant namely Namdeo Vadane with fists and kicks blows. Namdeo was 70 years old. It is alleged that the applicant had aided her husband in assaulting Namdeo. That Namdeo Vadane got chest pain and therefore he was admitted in civil hospital, Solapur for treatment, but during treatment, he had expired.

3 Learned counsel for the applicants submits that in fact Namdeo had died a natural death. He was an old aged person and that the applicants are not responsible for the death of Namdeo. There is no definite opinion about the cause of death as on today. Hence, the applicants being the women deserve to be enlarged on bail. As against this, the learned APP submits that the investigation is in progress and therefore the applicants may not be enlarged on bail.

4 The post-mortem notes would indicate that deceased-Namdeo had not sustained any external injuries. In any case, the allegations against the applicants is that they had aided the the other accused, who had assaulted Namdeo with fists and kicks blows. It is, in these circumstances that the applicants deserve to be enlarged on bail.

5 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall

not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

- 1 The application is allowed.
- 2 The applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.30,000/- each with one or more solvent sureties in the like amount.
- 3 The applicants shall not reside in village Padsali, Taluka North Solapur, District Solapur till filing of the charge-sheet.

(Smt. Sadhana S. Jadhav, J)