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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR**

CRIMINAL APPLICATION (APPLN) NO.1 OF 2016

Sau. Mankarnabai Kisan Ghaiwat,
Aged about 60 years,
Occupation : Labourer,
permanently residing at Jamb
(Adegaon), Taluqa Partur,
District Akola, but presently
residing at Washim Bye-pass,
Akola, Taluqa and District
Akola

..APPLICANT

VERSUS

1. Vandana Sanjay Ghaiwat,
Aged about 40 years,
Occupation : Household work,
residing at Jamb (Wasu),
Taluqa Patur, District Akola

2. The State of Maharashtra,
through the DGP, Akola,
Taluka and District Akola

..RESPONDENTS

Mr R.D. Dhande, Advocate for applicant;
Ms Nisha Gajbhiye/Wasnik, Advocate (appointed) for respondent no.1;
Mr V.P. Gangane, Addl. Public Prosecutor for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 21st March, 2017

ORAL ORDER

By this application under Section 439 (2) of the Code of Criminal Procedure, the applicant – complainant seeks cancellation of regular bail granted to respondent no.1 – accused, by learned Additional Sessions Judge, Akola, vide order dated 11th February, 2015, passed below Exh.7, in Sessions Trial No.247 of 2014, in connection with C.R.No.96 of 2014,

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registered with police station Chalani, District Akola, for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. Mr Dhande, learned Counsel appearing on behalf of the applicant – complainant submits that the applicant is the step mother-in-law of respondent no.1 – accused and since residing together, there is every likelihood of tampering with the evidence or influencing the prosecution witnesses.

3. Learned Counsel appearing on behalf of respondent no.1 - accused submits that respondent no.1 has responsibility of three children and widowed daughter-in-law of the applicant. According to her, if the bail is cancelled, there is nobody to look after the well being of these three children and thus, the application needs to be rejected.

4. Learned Addl. Public Prosecutor supported the case of the applicant – complainant.

5. Having considered the rival submissions and upon perusal of the record, in my opinion, the only modification that could be ordered is imposing condition on respondent no.1 – accused, that she shall stay away from the jurisdiction of the concerned police station till conclusion of the trial and it is ordered accordingly. The said condition of staying away by the respondent – accused from the jurisdiction of the concerned police

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station be given effect to after a period of six weeks from today.

6. With the above observations, Criminal Application stands partly allowed.

7. The fees payable to the learned Counsel appointed on behalf of respondent no.1 – accused is quantified at Rs.3,000/-.

(N.W. SAMBRE, J.)

amj