

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLIATION (BA) NO.14 OF 2017.

Sau.Shalini Nilkanthrao Wane

..VS..

State of Mah.thr.P.S.O, P.S. Samudrapur, Distt.Wardha.

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr.R.M.Daga, Adv. for the applicant.

Mr.A.V.Palshikar, APP for the State.

CORAM : P.N. DESHMUKH, J.

DATE : 25th JANUARY, 2017.

1. This application is filed for grant of bail by accused, who is mother of co-accused involved in Crime No.423 of 2016 registered at Police Station Samudrapur, Distt.Wardha for the offence punishable under Sections 279, 338, 302, 307, 120B read with Section 34 of the Indian Penal Code.
2. Heard learned counsel for the applicant and learned Additional Public Prosecutor for the State.
3. Learned counsel for the applicant has submitted that this female applicant is suffering from thyroid Cancer and requires regular treatment. It is further contended that on completion of investigation charge-sheet is already filed and

except for confession by applicant made to Prakash Kasture, there is no other evidence establishing her involvement in the present crime. Referring to statement of Prakash Kasture, it is pointed out that though as per his statement the alleged confession was made to him by applicant on 16th June, 2016 his statement is recorded on 24th July, 2016. By going one step ahead, it is further contended that Prakash Kasture in his statement recorded under Section 164 of the Code of Criminal Procedure on 18th October, 2016 had not whispered a single fact of applicant's confessing him as stated in his earlier statement under Section 161 of the Code of Criminal Procedure. It is, therefore, contended that in view of nature of limited evidence available against the applicant, coupled with fact of her ill-health, as aforesaid, application be allowed.

4. The learned Additional Public Prosecutor opposed the application as per reply on record, however has not disputed fact of only evidence, as aforesaid, against the applicant.

5. Perused the charge-sheet. It reveals that as per report lodged by Nitin in respect of an accident involving a Car and a motorcycle where police arrived and found deceased lying in a pool of blood having sustaining injuries and on enquiry it revealed that deceased was given a dash by Indica Car while he was proceeding on motorcycle along with three others. It is further revealed that after giving such a dash deceased was assaulted by Baseball stick on head by three persons who were in Car and the deceased having sustained head injuries was

admitted in the hospital.

6. Admittedly, it is no case of prosecution that applicant was present at the time of assault on deceased. The only involvement of applicant is by way of her confession to Prakash Kasture as aforesaid. Considering the available evidence as aforesaid, together with ill-health of applicant and as charge-sheet is filed, application is allowed as per following order.

Applicant Sau.Shalini Nilkanthrao Wane shall be released on bail in Crime No.423 of 2016 registered at Police Station Samudrapur, Distt.Wardha on her executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount.

Applicant shall mark her presence with Police Station Samudrapur, Distt.Wardha once in three months on the first day of each such month, pending trial.

Applicant shall produce proof of her residence and shall update the same in the event of change of her residence in future.

JUDGE

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