

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

CRIMINAL APPLICATION (BA) NO. 430 OF 2017

(PUSHPA PRAMOD BARDE...VS.. STATE OF MAH. THR. P.S.O. PS KALMESHWAR, DIST. NAGPUR)

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

Court's or Judge's orders

Shri. M. N. Ali, Advocate for Applicant.
Shri.S. P. Deshpande , A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 29th JUNE, 2017.

Heard.

The applicant is arrested on 21st November, 2016 in crime registered against her and her husband for the offences punishable under Sections 302, 120-B, 452 read with Section 34 of the Indian Penal Code and under Section 4/25 of the Arms Act, on the accusations that both the accused entered the house of deceased Narayan, the applicant pointed out towards Narayan and said “this is the same person” and co-accused (husband of the applicant) stabbed Narayan by knife causing injuries which prove to be fatal.

According to the Investigating Agency, deceased Narayan was widower and the applicant, though married, had been staying away from her husband since last 4 - 5 years and when nephew of Narayan got knowledge that the applicant is staying away from her husband, he gave proposal to applicant to marry with his uncle (Narayan) and then Narayan and the applicant started meeting, however, it was found by the applicant that Narayan is married with Sarita and therefore,

the applicant stopped talking with Narayan, however, Narayan continued to phone her and insisted for meeting with her.

The application is opposed on the ground that the facts on record show that the applicant has committed crime with pre-meditation. The learned A. P. P. has pointed out that a knife having 4 inches blade is recovered from the purse of the applicant and this shows that the applicant and co-accused went to the house of deceased Narayan to kill him.

The applicant is woman, aged about 34 years. The applicant claims that she has to look after two children, aged about 10 years and 8 years. The investigation is complete and charge-sheet is filed on 13th February, 2017. The non-applicant has not been able to show that the custody of the applicant is required for further investigation.

In the facts of the case, following order is passed :

The applicant having been arrested in Crime No.722 of 2016 registered by the non-applicant, he be released on bail on executing P. R. Bond of Rs.25,000/- and furnishing two solvent sureties in the like amount.

The application is **allowed** in the above terms.

JUDGE