

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 743 of 2017
[Pramila Sunil Talmale Vs. State of Mah, Bhiwapur PS, Distt. Nagpur]

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

Court's or Judge's orders

Mr. R. M. Daga, Adv., for the applicant.
Ms. Shamsi Haidar, APP for non-applicant.

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CORAM : A.S. CHANDURKAR, J.

DATE : 14th November, 2017

The applicant apprehends her arrest in connection with Crime No. 255/17 registered at Bhiwapur Police Station, Distt. Nagpur, for the offence punishable under Section 302 of Indian Penal Code.

As per the First Information Report lodged by one Kalubai, her son - Sunil was addicted to liquor. On 26th September, 2017, there was a dispute between the present applicant who was the wife of Sunil with her husband. The same was subsequently resolved. On 28th September, 2017, the informant received information that her son was not well and was required to be hospitalized. He was accordingly taken for medical treatment, during which course, he expired. On that basis, a report came to be lodged alleging that the

applicant had assaulted her husband with a hard and blunt object.

It is submitted on behalf of the applicant that there are no eye-witnesses to the incident. The applicant is the mother of two children, one of whom is deaf and dumb while the other female infant is about a month old. It is submitted that applicant has co-operated with the investigation and will continue to do so.

The application is opposed by the learned Addl. Public Prosecutor by relying upon the reply. It is submitted that there were eleven injuries on the body of the deceased. There was a dispute between the applicant and her husband on the previous day and hence she has been rightly implicated in the crime. Though the weapon of assault has been seized, the investigation is not yet complete. Hence, the application deserves to be rejected.

Perused the First Information Report as well as statements recorded.

As per the informant, the deceased was addicted to liquor. On earlier occasions, there were some disputes between the applicant and her husband. It appears that on 27th September, 2017, son of the informant was assaulted with a bat, resulting in his

death. The weapon of assault has been seized. There are no eye-witnesses to the incident. Considering the fact that the applicant has a daughter who is hardly a month old and there being no other family members to take care of the child, coupled with the fact that the elder son is also handicapped, the applicant is entitled for protection, subject to co-operating with the investigation.

Hence, in the event of arrest of the applicant in connection with Crime No. 255/2017 registered at Bhiwapur Police Station, Distt. Nagpur, for the offence punishable under Section 302 of Indian Penal Code, she shall be released on bail on furnishing a Personal Bond of Rs. 20,000/- [rupees twenty thousand only] with one surety in the like amount. She shall attend the concerned Police Station on 28th November, 2017 between 11.00 a.m., and 1.00 p.m. and thereafter as per the directions of the Investigating Officer. No steps be taken to influence the prosecution witnesses.

Observations made in this order are only for deciding the present application, which is allowed and disposed of.

Judge

