

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.1090 OF 2017

Guddan wd/o Jagatsingh Kushwah, Ram Badokheri, Tq. Mohat, Dist. Jhansi (UP) presently at Akola.

-vs-

State of Maharashtra, Thr. PSO, PS Borgaon Manju, Dist. Akola

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

Court's or Judge's Orders.

Shri Anil S. Mardikar, Senior Advocate with Shri S. G. Joshi, Advocate for applicant.
Shri K. L. Dharmadhikari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : December 05, 2017

The applicant who has been arrested on 15/05/2017 in connection with Crime No.175/2017 registered with Police Station Borgaon Maju, Dist.Akola for the offence punishable under Sections 120-B, 302, 34 of the Indian Penal Code and Section 4 and 25 of Arms Act seeks her release on bail.

As per the First Information Report dated 08/05/2017, the informant has stated that he received information that body of a person who had died on account of injuries was found lying in an agricultural field. Accordingly offence was registered against unknown persons. During the course of investigation the applicant and other accused were arrested.

It is submitted on behalf of the applicant that she has been unnecessarily implicated in the crime. There is no material collected by the prosecution to connect her with the same. The deceased was infact the husband of the applicant.

Accused Nos.1 and 2 are alleged to have murdered her husband. Referring to the statements of the children of the applicant recorded under Section 164 of the Code it is submitted that even they have not expressed any doubt on her. Without any substantial material she has been charged with conspiring to do away with her husband.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that there was illicit relationship between the applicant and the co-accused. To further their object the husband of the applicant was done away. It is further submitted that amount of Rs.55,000/- was recovered from the applicant which was to be paid to other accused persons for killing her husband.

Perused the First Information Report as well as the charge-sheet. The offence under Section 302 of the Penal Code is against the accused Nos.1 and 2. Present applicant is charge-sheeted under Section 120-B of the Penal Code. The statements of both the sons of the applicant recorded under Section 164 of the Code are in general terms and do not state anything against the applicant. I find that charge-sheet has been filed in August 2017 after completing the investigation. Considering the nature of material available against the present applicant, she deserves to be enlarged on bail.

Accordingly, the applicant Guddan wd/o Jagatsingh Kushwah who has been arrested on 15/05/2017 in connection with Crime No.175/2017 registered with Police Station

Borgaon Maju, Dist. Akola for the offence punishable under Sections 120-B, 302, 34 of the Indian Penal Code and Sections 4 and 25 of Arms Act is directed to be released on bail on furnishing PR Bond of Rs.30,000/- (Rupees Thirty Thousand) with one surety in the like amount.

The applicant shall co-operate in completion of the trial and shall not influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE