

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.1140 of 2017
[Smt. Vaishali Milind Humne Vs. State of Mah., Ballarshah PS, Distt. Chandrapur]

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.
Mr. A. Madiwale, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 06th December, 2017

The applicant who has been arrested on 25th September, 2017 in connection with Crime No. 723/2017 registered at Ballarshah Police Station, Distt. Chandrapur, for the offences punishable under Sections 302, 325, 363, 364, 323, 506, 201 and 120-B of Indian Penal Code, seeks her release on bail.

According to the case of the prosecution, a missing report came to be lodged on 10th July, 2017 by the sister of one Shriniwas stating therein that he was missing since 23rd May, 2017. On 28th May, 2017, an accidental death was reported. It was subsequently found that the deceased was said Shriniwas. On 17th July, 2017, a crime was registered on the basis of report of said death. As per said report, Shriniwas had gone to the house of the present applicant and he had been

assaulted there on the ground that he had stolen some liquor. Body of said Shriniwas was found near Painganga river at Haran Ghat.

It is submitted on behalf of the applicant that the material collected by the prosecution against the present applicant is insufficient to connect her with the said offence. Statements of eye-witnesses indicate that though the deceased was seen initially at the house of the applicant, he was subsequently taken away in a four wheeler by other accused persons and not by the applicant. The applicant has been arrested only on the count that deceased was initially seen at the house of the applicant. Similarly, overtacts are not attributed to present applicant.

The application is opposed by the learned Addl. Public Prosecutor by filing reply. It is submitted that applicant along with other accused have caused the death of Shriniwas. Witnesses have seen Shriniwas present in the house of the applicant. The CCTV footage also indicates presence of the deceased at the house of the applicant. Considering gravity of the offence, the applicant does not deserve to be enlarged on bail.

Perused the charge-sheet.

Statement of Abdul Qadar who is an injured witness indicates that initially he had seen the deceased

at the house of the present applicant. Thereafter, said witness along with the deceased were taken in a four wheeler where the deceased was assaulted on his head. This witness was also injured in the process. Statements of other two witnesses – Sunil Gaurkar and Raju Saitwal also indicate the deceased leaving the house of the applicant in the presence of other accused persons. Considering the nature of this evidence, I find a case made out to enlarge the applicant on bail.

Accordingly, the applicant who has been arrested in connection with Crime No. 723/2017 registered at Ballarshah Police Station, Distt. Chandrapur, for the offences punishable under Sections 302, 325, 363, 364, 323, 506, 201 and 120-B of Indian Penal Code, is directed to be released on bail on furnishing a Personal Bond of Rs.25,000-00 [rupees twenty-five thousand only] with one surety in the like amount. The applicant shall co-operate in the completion of trial. No steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding the application for grant of bail.

Judge