

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.845 OF 2018

Mrs. Sonu Bhika Satpute		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Adwait Bhonde for the Applicant.
Mr. Vinod Chate, APP for the State.
Mr. A.B. Pakhale, PC, Shirur Police Station.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 26th June, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 15th June 2017 in Crime No.266 of 2017, registered at Shirur Police Station, District Pune, for the offences punishable under Sections 302 and 324 of Indian Penal Code. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 13th April 2017, Sanjay Dnyandev Gawli lodged a report at the police station that he is the owner of a Brick Kiln. The present applicant was residing as his labour alongwith her husband Bhika and daughter Gopi. The applicant and her husband are original residents of Buldhana district and they were working as a labour. He has also informed that there were frequent quarrels between the couple. That the applicant had illicit relations with one Deepak and therefore, there were quarrels between a couple. That on 3rd April 2017, he had received a phone call from another labour informing him that Bhika is lying in an injured condition in his house. The first informant had rushed to the spot and seen Bhika lying in a pool of blood. He had also noticed that the present applicant had injury on her face. Similarly their daughter had also sustained injuries. He immediately rushed them to the hospital. Initially the hospital at Shirur had refused to admit them in the hospital. Thereafter the injured were taken to Ahmednagar. On 12th April 2017, Bhika had expired and on the same day, the first informant had lodged a report. It is also

stated in the F.I.R.. that the first informant had made queries with the present applicant and she had disclosed that in the midst of night, the family was attacked by four unknown persons and therefore the F.I.R. was lodged against unknown persons for the offence punishable under Section 302 read with 34 of Indian Penal Code.

4 On 15th June, 2017, a supplementary statement of the first informant was recorded. He had further disclosed that the present applicant was insisting upon him to help her to get death certificate and also to return her belongings and pay her back-wages. He had called her to his office. At the office, he had initially enquired her as to whether she had locked the room from inside on the day of the incident. She had answered in the affirmative. She then informed him that the deceased was in habit of consuming narcotic substances. On the relevant day, he was smoking ganja. She had objected to the same. He had then raised the sickle and assaulted his wife as well as minor daughter. He had become aggressive and had attacked both mother and daughter and therefore she had forcefully pushed him. He had dashed against the kadappa

platform and had sustained injury to his head. She was hopeful that he would survive and therefore she had fabricated the story that they were assaulted by unknown persons. She had also disclosed that she had no other means to control the aggression of her husband and had therefore pushed him forcefully. The post mortem report do not find place in the compilation of the charge-sheet.

5 Learned counsel for the applicant submits that the medical negligence would be one of the reason, however it need not be considered at this stage. The statement of the complainant is also recorded under Section 164 Cr.P.C., which is in consonance with his statement dated 15th June 2017. Learned counsel for the applicant submits that the applicant was in a abusive marriage. In all probabilities, she had acted in self defence.

6 Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is of the opinion that the applicant deserves to be enlarged on bail.

7 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial.

Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.15,000/- with one or more solvent sureties in the like amount.
- iii) Within two weeks from the date of being released, the applicant shall furnish her residential address, cell-phone number and other details to Shirur police station.

(*Smt. Sadhana S. Jadhav, J*)