

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1218 OF 2018

Mrs. Kristina Petrous John Muntode .. Applicant
Versus
State of Maharashtra .. Respondent

Ms. Shubhangi Parulekar with Pranit Nande I/b. Niranjana Bhavake
for applicant

Mr. S.H.Yadav, APP for State

Mr. S.Y.Holkar, PSI, Nigadi Police Station present.

CORAM : SMT. SADHANA JADHAV, J.

DATE : 31st July 2018.

P.C.

1] Heard. This is an application under section 439 of Cr.P.C. The applicant herein is arrested on 16th April 2017 in C.R.No.202 of 2017 registered with Nigadi police station for offences punishable under section 302 and 34 IPC. The investigation is completed and charge sheet is filed.

2] It is the case of the prosecution that on 16th April 2017, the police personnel of Nigadi police station Mr. Amol Salunke was on patrolling duty. He received a message from John Mendonsa

informing that one person is being assaulted by three persons in Section 10 of Nigadi. He reached the spot. He saw the injured on the spot. The name of injured was Petrous Muntode. He had disclosed to the police that he was assaulted by his wife Kristina and her parents. The police had taken Petrous to the hospital. The injured expired on the same date i.e. on 16th April 2017 and on the basis of his statement, his wife – the applicant has been arrested.

3] In the course of investigation, the I.O. has recorded a statement of Nanda Kalbhor, resident of same society. She has disclosed that on 15th April 2017 at about 10.30 p.m. she had seen that the husband of the present applicant i.e. deceased had raised a ruckus in front of the house of the applicant and was exhorting them to come out of the house and that he would deal with them. He was abusing them in filthy language. That the applicant along with her minor daughter Cynthia and her parents had responded to his call. It appears that the whole society was fully aware of the ruckus created by the deceased Petrous every now and then. There was altercation between the parents of applicant and deceased. The present applicant was trying her level best to pacify Petrous and he

continued to abuse.

4] The deceased had thrown a cement paver block towards applicant's father. He had assaulted her with the stick. The deceased Petrous continued to abuse and assault the applicant and her parents. It was clear that the deceased Petrous was under the influence of alcohol. When the situation was out of control and the deceased was fleeing from the spot after assaulting father of the applicant, at that stage, the applicant returned the assault. The deceased was lying at the spot and then someone from the society had called upon the police and hence the police reached the spot.

5] The papers of investigation would clearly indicate that the deceased who had gone to the house of the applicant and had invited the trouble by exhorting her to confront him. He was initially living in an abusive marriage and later on had withdrawn herself from the family of husband and was residing with her parents. The applicant had filed several complaints against her husband the deceased at the police station, which were mostly registered as non cognisable complaints as it was a quarrel between husband and

wife.

6] On 27th November 2016, the applicant had addressed a letter to Police Inspector of Nigadi police station to grant her some protection against her husband as he continued to come to her society and abuse and assault her.

7] It is a matter of record that the incident had taken place in front of house of the applicant. The Postmortem notes would show that the deceased had consumed alcohol just before his death. The P.M.notes also indicate that there are multiple abrasions on the person of deceased which would only indicate invite of altercation. In view of the aforesaid circumstances, the applicant deserves to be enlarged on bail. Hence, following order:-

- (a) The application is allowed;
- (b) Applicant be released on bail in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (c) Applicant shall not tamper with evidence.

Yogeshwar
Bhalchandra
Gokhale

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Yogeshwar
Bhalchandra Gokhale
Date: 2018.08.02
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(SMT. SADHANA JADHAV, J.)