

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

**BAIL APPLICATION NO. 2934 OF 2017**

Sharda Hari Rathode

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Raviraj Paramane a/w. Vaibhav Gaikwad i/b. Shrikant  
H. Panhale for the applicant.

Mr. Rajan Salvi, APP for the State.

Mr. Kiran Shalikram, API, Satara Taluka Police Station.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.  
DATED: 14<sup>th</sup> SEPTEMBER, 2018.**

**P.C.:**

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who is facing trial in Sessions Case No.08/2017 pending on the file of Additional Sessions Judge, Satara.

2. The aforesaid case arises from C.R.No.102/2017 registered at Satara Taluka Police Station, District Satara for offences punishable under sections 302, 506 r/w. 34 of Indian Penal Code.

3. Heard Mr. Raviraj Paramane, learned counsel for the applicant and Mr. Rajan Salvi, learned APP for the State. I have perused the

records and considered the submissions advanced by the learned counsels for the respective parties.

4. The aforesaid crime was registered pursuant to the first information report lodged by Shankar Babu Pawar, the brother of the deceased Mahadev Pawar. Said Mahadev Pawar was married to Vanita Mahadev Pawar, the daughter of the applicant herein. The statement of said Vanita reveals that she had left her matrimonial house since about a year prior to the incident and since then she was residing with her parents. On 10/03/2017, at about 09:30 p.m., the deceased Mahadev Pawar who was under the influence of alcohol entered her house and inflicted injuries on husband of the applicant with a sharp weapon. The husband of the applicant was taken to the hospital for medical treatment. On the next morning, at about 06:30 p.m., Sunil and Rahul, the sons of the applicant brought the deceased Mahadev and tied him to a tree. It is alleged that the applicant and her sons assaulted him with sticks. Said Mahadev Pawar expired as a result of the injuries sustained in the said incident.

5. The post mortem report reveals that Mahadev Pawar had sustained as many as 24 injuries. The said injuries are in the nature of

abrasions and contusions and were simple in nature. The medical officer had opined that the death of the deceased was due to *hemorrhage in pericardium with rupture of left kidney*.

6. The material on record thus *prima facie* reveals that prior to this incident, the deceased had entered the house of the applicant under the influence of alcohol and had inflicted injuries on her husband by means of some sharp weapon. This incident had resulted in an altercation between the deceased and the sons of the applicant. The sons of the applicant thereafter tied Mahadev to a tree and assaulted him by sticks. The records do not *prima facie* indicate that the applicant had used any deadly weapon or that she had inflicted the injury which had caused death of Mahadev Pawar. The records do not *prima facie* indicate that the applicant had intention of causing the death of Mahadev Pawar.

7. Considering the nature of the allegations as also considering the fact that the applicant is a woman and is in custody since 12/03/2017, in my considered view, this is a fit case for grant of bail. Besides, the applicant has no criminal antecedents and being a permanent resident of this State, there are no chances of her absconding and or thwarting

the course of justice. Under the circumstances, the Bail Application is allowed on following terms and conditions :-

- (a) The applicant who is arrested in C.R.No.102/2017 registered at Satara Taluka Police Station, District Satara is ordered to be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount, to the satisfaction of Additional Sessions Judge, Satara.
- (b) The applicant shall furnish her permanent address and temporary address, if any, and his contact details to the concerned Court.
- (c) The applicant shall not change her residential address without prior intimation to the concerned Court.
- (d) The applicant shall not interfere with the witnesses in any manner.

**(SMT. ANUJA PRABHUDESSAI, J.)**