

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

CRIMINAL APPLICATION (BA) NO.599 OF 2018

(Smt. Ankalubai wd/o Vitthal Borkar Vs. State of Maharashtra thr. PSO PS Repanpalli,
Dist. Gadchiroli)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Rajesh S. Nayak, Advocate for Applicant.
Shri N.B. Jawade, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 29th JUNE, 2018.

The applicant is arrested in connection with Crime 2/2017 registered at the Police Station Repanpalli, District Gadchiroli for offence punishable under section 302 of the Indian Penal Code.

The applicant is in custody since 13.05.2017. The husband of the applicant was found hanging on 10.05.2017. Initially, it was the applicant who lodged the report on 10.05.2017 that her husband committed suicide. However, according to the prosecution since she repented she came to the Police Station and voluntarily confessed to have first assaulted and then strangled the deceased. The statement – confession of the applicant is recorded on 13.05.2017.

Other than the said confession made before the police, there does not appear to be any other material to connect the applicant with the crime. Shri Jawade, the

learned A.P.P. points out that the medical evidence is suggestive of strangulation. He would further submit that it is for the applicant to explain the circumstances in which her husband was found dead in the *verandah (chapri)* of the house. All these aspects are for the trial court to look into during the course of the trial.

At this stage, I do not see any reason why the applicant – woman should languish in custody.

The application is allowed.

The applicant shall be released on furnishing personal bond of Rs. 15,000/- with a solvent surety of the like amount.

The applicant shall not tamper with the evidence nor shall attempt to influence the witnesses in any manner.

The application is disposed of accordingly.

JUDGE