

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

CRI. BAIL APPLICATION NO. 1641 OF 2018

Mr. Yasmin Wahid Hashmi ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Mohammed Umar Kazi, Advocate, for the Applicant.
Mrs. A A. Takalkar, APP for the State.
(Mr.R.K.Khopkar, API Kalyan Taluka Police Station, is present.)

CORAM : PRAKASH D. NAIK, J.

DATE : FEBRUARY 25, 2019.

PC :

1 The Applicant is seeking bail in connection with the CR No. I-187 of 2017, registered with Kalyan Taluka Police Station for the offence under sections 302 & 504 of the Indian Penal Code.

2 The prosecution case is that the husband of the applicant had performed second marriage with the deceased. Pursuant to that, the applicant had started residing separately. On 15.08.2017, the deceased had allegedly visited the house of the applicant and thereafter, she was found dead in the said house. It is alleged that the deceased was strangled by the applicant by using dupatta/scarf. It is further alleged that

the applicant had made extra judicial confession to Auto-Rikshaw, driver while she was traveling in Rikshaw, after the alleged incident. In the said confession the applicant allegedly stated that on account of the quarrel with deceased, there was scuffle between the applicant and deceased and during that scuffle the victim got strangled. The victim had allegedly visited the house of the applicant with in-sense sticks.

3 Learned APP submits that the deceased was found dead in the house of the applicant and there is extra-judicial confession which shows her involvement in the crime. The extra-judicial confession which indicates that the incident had occurred during scuffle between the deceased and the applicant.

4 The applicant was arrested on 18.08.2018. On completing the investigating, chargesheet is filed.

5 On perusal of the statement of Auto-Rikshaw Driver to whom purported extra-judicial confession was made by the applicant, it is apparent that the applicant had disclosed him as to how the incident had occurred. It also appears that the applicant had confessed the crime to the police. Thus the prosecution case is that there was a quarrel between the applicant and the deceased and in the scuffle, the

deceased was strangled. It is also noticed that the applicant had sustained some superficial abrasion on her person.

6 Admittedly, the deceased had visited the house of the applicant and it is also seen that the applicant had sustained some abrasions, probably during the scuffle. The applicant is a lady and she is in custody for a period of 1 & ½ year.

7 Considering these circumstances, the bail can be granted to the applicant. Hence, I pass following order :

ORDER

- i. Bail Application is allowed.
- ii. The applicant is directed to be released on bail in connection with CR No.I-187 of 2017, registered with Kalyan Taluka Police Station, Kalyan, on her furnishing PR Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- iii. The Applicant shall attend the trial regularly on the date of hearing of the case unless exempted by the court.

(PRAKASH D. NAIK, J.)

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