

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

CRIMINAL BAIL APPLICATION NO. 1897 OF 2019

Fulabai Ramchandra More	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Nikhilesh Pote a/w. Atul R. Patil, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the State/Respondent.
Mr. L. H. Tagde, ASI, Madha police station, present.

CORAM :SARANG V. KOTWAL, J.
DATE :11th OCTOBER, 2019

P.C. :

1. The Applicant is seeking her release on bail in connection with C.R.No. 253 of 2018 registered with Madha Police Station, Dist. Solapur, under sections 302 and 201 r/w. 34 of the Indian Penal Code. Initially, the offence was registered U/s.306 of the IPC, but subsequently, the offence U/s.302 of the IPC was added.

2. The FIR was lodged on 27/12/2018 by one Bhushan Mohite, who was the brother of the deceased Manisha. He has stated in his FIR that, Manisha was married to one Dattatraya

Nagtilak. The couple was residing together with Dattatraya's mother Bhagyarathi and brother Ranjit. The applicant is sister of Bhagyarathi. All of them were harassing Manisha on some count or the other. On 27/12/2018, at about 5.00a.m., the informant was told by his cousin that Manisha had committed suicide by hanging herself. The informant and others went to Manisha's house at Kumbhej. The dead body was kept in the kitchen and there was blood stains in the room. On this basis, the FIR was lodged. The FIR mentions that the deceased had committed suicide. The applicant was arrested on 29/12/2018 and since then she is in custody. The applicant is 70 years of age. The investigation is completed and the chargesheet is filed.

3. Heard Shri. Nikhilesh Pote, learned counsel for the applicant and Shri. Prashant Jadhav, learned APP for the State.

4. Learned counsel for the applicant submitted that the applicant is an old lady and there are absolutely no allegations of any specific overt act against her. The only circumstance against her is that she was residing with the family of her sister and because of this involvement, she is shown as an accused. He

submitted that other family members were present in the house when the incident had taken place. There is nothing to show that the applicant has abetted other accused in commission of murder. Learned APP relied on the statements of other witnesses and in particular, statement of Bhagyshree who was the sister in law of the deceased i.e. wife of Dattatraya's brother Ranjit. This witness was present in the house, though, she had not seen the actual incident.

5. I have considered these submissions. The postmortem notes show that the deceased had suffered 7 injuries. There were marks indicating throttling of her neck. The cause of death was mentioned as, "Head injury with throttling". There was a contusion under scalp of the size 10cm x 8cm. on the right temporal region and 6cm x 4cm on the left side and 7cm x 5cm on the occipital region. Thus, it is clear that, it was a case of murder and not a case of suicide. The question remains as to whether the applicant was involved in commission of the murder.

6. The supplementary statement of the first informant shows that the husband of the deceased and all other family

members including the applicant were demanding Rs.2 lakhs from Manisha and she was harassed on that count. There are general allegations against all family members. No particular allegation is made against the present applicant. The statement of Bhagyashree i.e. wife of Dattatraya's brother shows that on 26/12/2018 at 8.30p.m. there was a quarrel between the deceased Manisha and her husband Dattatraya. The quarrel took serious turn. It was 10.00p.m. This witness and others somehow pacified Manisha and Dattatraya. Thereafter this witness along with her husband and children went to the first floor and slept in their room. In the early morning Dattatraya came there and told them that Manisha had hanged herself in kitchen. This witness came down and saw Manisha hanging in kitchen. Her dead body was taken down by other family members. Besides this, there is nothing in the charge-sheet. The supplementary statement of the first informant is supported by his other family members. The quarrel was between the couple. The other family members actually tried to pacify them.

7. Considering all these circumstances, it does appear

that the incident had taken place after there was fight between Dattatraya and deceased Manisha. The applicant happened to be in the house when the incident had occurred, but apart from her, other family members were also present in the house. Bhagyashree is a witness to the fact that these family members were in the house. But she also has not attributed any particular role to the applicant. The applicant is 70 years old lady and considering this weak evidence against her, I am inclined to grant bail to the applicant. Of course trial court shall not be influenced by this order while conducting trial.

8. Hence, the following order :

ORDER

- (i) In connection with C.R. No. 253 of 2018 registered with Madha Police Station, Dist. Solapur, the applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)