

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2348 OF 2018

Amita Appaiah Chenanda] Applicant

Versus

The State of Maharashtra] Respondent

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Through Post Ms. Gunjan Thakkar, Amicus Curiae, for the Applicant.

Ms. P.P. Shinde, A.P.P for the Respondent - State.

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CORAM : REVATI MOHITE DERE, J.

DATE : 9TH OCTOBER, 2019.

P.C. :

Heard learned Counsel for the parties.

2. By this application, through jail, the applicant seeks her enlargement on bail in connection with C.R. No.323 of 2017 registered with the Malad Police Station, Mumbai for the alleged offences punishable under section 302 of the Indian Penal Code.

3. Perused the papers. The prosecution case rests on circumstantial evidence. The applicant is the second wife of deceased- Apayya Chenanda . The complainant-Ganpati is the son of the deceased.He has alleged that there used to be constant quarrels between the deceased and the applicant on account of property. According to the complainant, he has left for College on 19th August, 2017 at about 8.30 a.m, He has alleged that at about 1.00 p.m, he received a message on his mobile from the applicant that she would be leaving within 15 minutes after serving food to the deceased. At about 1.20 p.m, the applicant called the complainant and informed him that the deceased has sustained knife injuries and that he should call the Police. When the complainant reached his residence, he saw his father was lying on the bed with multiple stab injuries. A blood stained knife was also lying near the dead body. During the course of the investigation, the applicant was arrested. The applicant was at home at the relevant time. Her clothes were found to be stained with blood. According to the witnesses, there used to be frequent quarrels between the applicant and the deceased over the property. This appears to be the motive to assault the deceased.

4. Learned A.P.P informs that charge has been framed against the applicant.

5. Considering the role alleged to have been played by the applicant, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

6. It is made clear that the observations made herein are prima facie and for the purposes of deciding this application. The trial Court shall decide the said case on its own merits, uninfluenced by the observations made in this order.

7. The application is disposed of. Trial of the applicant is expedited.

8. All concerned to act on the authenticated copy of this order.

[REVATI MOHITE DERE, J.]