

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

Criminal Application (BA) No. 394 of 2019

Priyanka W/o Dharmesh Patel

Vs.

State of Maharashtra through PSO Wadgaon Road, Yavatmal

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

Court's or Judge's orders

Mr. Vivek Awachat, Advocate for applicant.
Mr. H.R. Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 17, 2019

The applicant herein has approached this Court in respect of offence registered against her and other co-accused under Sections 302 and 201 of the Indian Penal Code.

2. In the present case the complainant had lodged missing report concerning his mother (the victim), wherein he stated that she was missing from 17/12/2017. On 18/12/2017, the dead body was found in District Akola, while the complainant and his mother i.e. deceased were residents of Yavatmal. On the complainant identifying the body of the deceased, initially FIR was registered at Akola where the dead body was found, but, later FIR dated 07/1/2018 was registered in Wadgaon Raod Police Station District

Yavatmal against the applicant and other co-accused.

3. In fact, the applicant and other co-accused were arrested on 29/12/2017 itself on the basis of suspicion and information received by the police. The investigation was completed and chargesheet was filed on 26/03/2018. A perusal of material on record shows that the case of the prosecution is that the co-accused Ashwini i.e. daughter-in-law of the deceased and the wife of the complainant, had hatched a conspiracy to eliminate the deceased. It is claimed that the applicant along with other co-accused assaulted the deceased with rolling pin and cloth causing injury to her head, thereby causing her death. It is the case of the prosecution that the accused thereafter tried to destroy the evidence by burning the dead body of the deceased near a river in district Akola.

4. The learned counsel for the applicant has brought to the notice of this Court an order dated 21/01/2019, passed by this Court in Criminal Application (BA) No. 1124 of 2018, whereby the said daughter-in-law of the deceased i.e. Vidya @ Ashwini was granted bail. While allowing the application by the aforesaid order, this Court observed that there was no material to show that the applicant therein had entered into any conspiracy to kill her mother-in-law.

5. As noted above, the case of the prosecution is that the applicant herein, being relative of the said daughter-in-law i.e. Ashwini, had played an active role in assisting the said Ashwini for eliminating her mother-in-law. Since this Court has granted bail to the said daughter-in-law by an order dated 21/01/2019, this Court finds that when bail has been granted to her on the ground that prima facie there does not appear to be material on record to show that she had entered into conspiracy to kill her mother-in-law, the present applicant can also be enlarged on bail because the role attributed to her is that of having acted in furtherance of said alleged conspiracy.

6. In view of above, the present bail application is allowed.

7. The applicant is directed to be released on bail, particularly because it is found that she has been languishing in jail since 10/01/2018. The applicant shall furnish PR bond of Rs.15,000/- and surety of like amount. She shall not tamper with the evidence and influence the prosecution witnesses and she shall attend the proceedings before the Trial Court on each and every date.

8. It is recorded that the learned APP has

opposed grant of bail to the applicant. It is further made clear that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE

MP Deshpande