

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

Criminal Application (BA) No.439 of 2019

Smt. Hirabai wd/o Liladhar Jibhkate

Vs.

State of Maharashtra through P.S. Adyal, Dist. Bhandara.

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

Court's or Judge's orders

Mr. K.S. Motwani, Advocate for the applicant
Mr. M.J. Khan, APP for the non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 7, 2019

The applicant has approached this Court seeking bail as she stood arrested on 14.1.2019 in connection with FIR dated 8.1.2019 registered for the offences under Sections 302, 201, 120-B and 328 of the Indian Penal Code. Initially, the offence was registered against unknown persons, but upon investigation, five persons were found to be responsible for the death of the victim.

2. The applicant herein is the wife of the victim and the allegation against her is that she had given sleeping pills to the victim in his food in order to eliminate him and she was allegedly fed up with his addiction to liquor.

3. It is pointed out by learned counsel that all the other four accused persons have been granted bail. One of the co-accused was granted bail by Sessions Court by order dated 10.4.2019. It is also pointed out that the investigation has been completed and charge-sheet was filed on 10.4.2019.

4. In reply to the present application, the non-applicant/State has stated that the charge-sheet has been indeed filed and the grant of bail is opposed mainly on two grounds. Firstly, the applicant may not be available for trial, if she is released on bail and secondly, she may tamper with the prosecution evidence and pressurise the witnesses.

5. The said apprehension expressed on behalf of the non-applicant/State can be addressed by imposing appropriate conditions on the applicant. Considering the fact that the investigation is now over and the charge-sheet has already been filed, as also the fact that all other co-accused persons have been already released on bail, the application deserves to be allowed conditionally.

6. Hence, the application is allowed and the applicant is directed to be released on bail in Crime No.6 of 2019 registered at Police Station Adyal, District Bhandara on the following conditions:

- a) The applicant shall furnish PR bond of Rs. 25,000/- and surety in the like amount.
- b) The applicant shall attend each and every date of the proceedings before the trial Court.
- c) The applicant shall not in any manner influence the witnesses.

7. Needless to say that violation of any of the aforesaid conditions, shall lead to cancellation of bail granted to the applicant.

8. It is clarified that the observations made in the present order are limited to the question of grant of bail to the applicant.

JUDGE