

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

CRIMINAL APPLICATION (BA) NO.690/2019

Sandhya W/o Gopal Mhaisane

.vs.

State of Maharashtra

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

Court's or Judge's orders.

Mr. U. J. Deshpande, Advocate for applicant.

Mr. Niraj Jawade, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 21, 2019

Applicant-Sandhya W/o. Gopal Mhaisane is claiming her release from jail since she is arrested in connection with Crime No. 14 of 2019 registered with Police Station Balapur of District Akola for the offence punishable under Section 302 R/w. Section 34 of the Indian Penal Code, 1860. She is arrested on 14/01/2019 and since then she is languishing in jail.

2] I have heard Shri U. J. Deshpande, the learned counsel for the applicant and Shri Niraj Jawade, the learned additional public prosecutor for the State.

3] Investigation is over, charge-sheet is already filed. The reply filed on behalf of the prosecution is taken on record and I have gone through the reply. Deceased

Gangadhar Mhaisane is the father in law of the present applicant. She alongwith co-accused Vitthal, her brother in law are the accused.

4] As per the prosecution case, on 23/12/2018 Vitthal lodged a report that his father Gangadhar died due to violent attack by cow, however, during the course of investigation it was noticed by the investigating officer that he died due to assault and therefore, informant Vitthal was also made accused alongwith the present applicant.

5] According to the prosecution, the motive to eliminate deceased was to grab his property. According to the prosecution case, as can be seen from the reply, the applicant and co-accused used to reside alongwith deceased whereas the husband of the present applicant used to reside at Akola.

6] From the reply it is clear that the alleged role attributed to the applicant is that she has assaulted the deceased by fist blows except this there are no other allegations against her. In view of the nature of the accusation made against the present applicant, though there are eye witnesses, in my view the applicant who is woman and who is languishing in jail since 14/01/2019 can be released on bail. Consequently, I passed the following order:

ORDER

(i) The application is allowed.

(ii) Applicant-Sandhya Gopal Mhaisane be released on bail, on she executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount.

The application is disposed of.

JUDGE

Namrata