

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

LD-VC/CRIMINAL APPLICATION (BA) NO. 278 OF 2020

Priyanka Kiran Rathod and others

...Versus...

The State of Maharashtra, Through Police Station Officer, Police Station
Ladkhed, District Yavatmal

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

Court's or Judge's orders

Shri Mr. Akshay Naik, Counsel for applicants
Shri Nitin Rode, APP for non-applicant

CORAM : AVINASH G. GHAROTE, J.

DATE : 29/06/2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

Heard Mr. Akshay Naik, learned counsel for the applicants.

The application for bail is filed on behalf of all the applicants for the offences punishable under Sections 302, 307, 324, 143, 147, 148, and 149 of the Indian Penal Code. It is contended by Mr. Naik, learned counsel for the applicant that insofar as the applicant No. 1 is concerned, the FIR or the supplementary statement of Narendra Raghunath Jadhav, does not attribute any action on her part except for holding the hands of the deceased Anusuya Jadhav. It is

submitted that the applicant No. 1 has two minor children aged 2 and 3 years. It is further submitted that the applicant No. 2 Asmita is pregnant.

The reply of the State also admits this position that the applicant No. 2 is pregnant and will be completing eight months of pregnancy on 18.06.2020, which date is already passed. It is further submitted, in case these two ladies are released on bail there is no question of their tampering with the evidence as the charge-sheet is filed on 05.03.2020. The date of the incident is 07.12.2019 and the applicants have been arrested on 08.12.2019, and have been in custody since then. He therefore, submits that so far as the applicant Nos. 1 and 2 are concerned this is an apt case to release them on bail considering the circumstances. He also prays that there is nothing on record so far as the applicant Nos. 3 and 4 are concerned and they are also required to be released on bail.

Mr. Nitin Rode, learned A.P.P. opposes the application and submits that insofar as applicant No.2 Asmita is concerned, the FIR as well as the statements on record attribute commission of the offence in part to her and therefore, she is not entitled to bail. He does not dispute the position that the applicant No. 2 has completed eight months of pregnancy as on 18.06.2020. He further opposes the request for bail insofar as applicant Nos. 3 and 4 are concerned.

Considering the above situation and the fact that

the applicant No. 1 has two minor children aged 2 and 3 years and no role is attributed to her, except for catching hold the arms of the deceased Anusuyabai and the position that the applicant No.2 is eight months pregnant, I am inclined to accept the application insofar as the applicant Nos. 1 and 2 are concerned. Insofar as the applicant Nos. 3 and 4 are concerned specific acts have been attributed to them as such I am not inclined to consider their application, at this stage. Mr. Naik for applicants seeks leave to withdraw the application insofar as the applicant Nos. 3 and 4 are concerned. Hence, the following order:

1. The applicant No. 1 Mrs. Priyanka Kiran Rathod and applicant No. 2 Smt. Asmita Prashant Rathod be released on bail in Crime No. 384 of 2019, registered with non-applicant No.1 for the offences punishable under Sections 302, 307, 324, 143, 147, 148, and 149 of the Indian Penal Code on their furnishing PR.Bond in the sum of Rs.50,000/- with two solvent sureties in the like amount.
2. The applicant Nos. 1 and 2, shall not tamper with the evidence nor threaten the witnesses in any manner whatsoever.

The application is accordingly **partly allowed** in the above terms.

The order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

J.Pethe

**Rajesh
Nandurkar**

Digitally signed
by Rajesh
Nandurkar
Date: 2020.06.29
18:04:00 +0530