

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 BAIL APPLICATION NO.235 OF 2021

PINKI SUNIL CHAVAN

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.S. Rathi, Advocate for the applicant

Mr. N.T. Bhagat, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th MAY, 2021.

ORDER :

1 Present applicant is original accused No.5, who came to be arrested on 16.10.2020, in connection with Crime No.471/2020 registered with Hingoli City Police Station, Dist. Hingoli, for the offence punishable under Section 302, 120(B), 143, 147, 148, 149, 341, 201 of the Indian Penal Code, 1860, under Section 4, 25 of the Arms Act and under Section 135 of the Maharashtra Police Act. She has filed present application under Section 439 of the Code of Criminal Procedure, 1973.

2 Heard learned Advocate Mr. S.S. Rathi for the applicant and

learned APP Mr. N.T. Bhagat for the respondent. In order to cut short it can be said that they have argued in support of their respective contentions.

3 At the outset, it is to be noted that the entire investigation is complete and charge sheet has been filed, therefore, further physical custody of the applicant for the purpose of investigation is not required. First Information Report, in this case, has been lodged by one Nisha Sunil Chavan, who is the wife of Sunil Ganesh Chavan. She has contended that she was residing with her husband and children at Pardhiwada, Hingoli. There was dispute between her husband Sunil Chavan and one Ajesh @ Ajay Bansi Chavan and Arjun Baban Kale. Offences had been registered against each other. According to the informant, due to said dispute Ajay and Arjun's friends and relatives were having enmity with Sunil. They used to abuse Sunil oftenly and used to give threat to kill. At about 7.30 p.m. on 15.10.2010 there was some birthday celebration in Pardhiwada, in which Ajay Chavan had participated. He was dancing by holding a sword in his hand. The loud-speaker was on, and by playing song, all of them were dancing. Informant and her husband Sunil were sitting in the courtyard, in front of their house. Around 8.00 to 8.30 a.m. one Sachin Jilani Pawar came in front of the house of informant and asked Sunil to accompany him to the place of birthday celebration. It is stated that they both had waited in front

of house of one Shobhabai Kale for about 15-20 minutes. Informant had called her husband back and suddenly Ajay Chavan stabbed sword on the left side below arm of Sunil and said Sachin Pawar caught hold of the hands of Sunil from back side. Thereafter, one Hritik Chavan had stabbed big knife on the back of Sunil. Arjun Baban Kale stabbed with gupti. One Rahul Kale and Sunil Punjaji Chavan had assaulted deceased Sunil with iron pipe and stones. Informant went to rescue her husband but she was not allowed to go ahead by one Shivani Chavan, Pinki Chavan i.e. present applicant and Shobhabai Kale. She was assaulted by kicks and fist blows. After those persons fled away, informant went near her husband and found that he was seriously injured and blood was oozing out from the left side of his body below ribs. She and her brother-in-laws took her husband on motorcycle to Police Station and then to Government Hospital, where her husband was declared dead. Thereafter, she lodged report.

4 Her statement under Section 164 of the Code of Criminal Procedure is almost same, except that the present applicant had caught hold of her neck and the nails of present applicant had caused injury to her neck, is the addition. If we peruse her Medico Legal Certificate, it is stated that there was abrasion to the right lateral neck and was simple injury. The statements of witnesses are also on the same line. The Postmortem report

shows homicidal death, which was stated to have caused by 9 surface injuries with internal injuries and the probable cause of death, that is, stated is, "The cause of death is due to haemorrhagic shock due to multiple stab injuries and injury to spleen". Admittedly, those stab injuries were not authored by the present applicant, therefore, she deserves to be released on bail, as it would take long time to stand the trial. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant Pinki w/o Sunil Chavan, who has been arrested in connection with Crime No.471/2020 registered with Hingoli City Police Station, Dist. Hingoli, for the offence punishable under Section 302, 120(B), 143, 147, 148, 149, 341, 201 of the Indian Penal Code, 1860, under Section 4, 25 of the Arms Act and under Section 135 of the Maharashtra Police Act, be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicant shall not tamper with the evidence of the prosecution, in any manner.

4 She shall not indulge in any criminal activity.

5 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)

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