

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 627 OF 2021

Surekha W/o Vishnu Pawar,
Age : 30 Years, Occ. Household,
R/o. Tekadi Tanda,
Tq. Paithan Dist. Aurangabad. ..APPLICANT

VERSUS

1. The State of Maharashtra,
2. The Police Inspector,
Police Station M.I.D.C Paithan,
Tq. Paithan Dist. Aurangabad. ..RESPONDENTS

...
Advocate for applicant : Mr. Chaitanya C. Deshpande
holding for Mr. D. K.. Dagadkhair

A.P.P. for Respondent-State : Mrs. D. S. Jape

....

CORAM : SANDEEP K. SHINDE, J.

DATE : 12.07.2021

PER COURT :-

Heard the learned counsel for the applicant and
learned A.P.P for the State.

2. Apprehending the arrest in connection with Crime No. 48
of 2021, registered with M.I.D.C Paithan Police Station, District
Aurangabad, for the offences punishable under Sections 302,
307, 341, 506 of the Indian Penal Code, applicant is seeking

pre-arrest bail.

3. On 14th April, 2021, dispute over the right to cultivate the land, turned into frightful incident, wherein Sanket lost his life on the spot, whereas his father Dnyeshwar succumbed to the injury on 21st April, 2021. Mother of Sanket and wife of Dnyeshwar had also suffered serious injuries at the hands of accused Vishnu Pawar. She was under treatment till 4th May, 2021. Prosecution could not record the statement of Dnyeshwar and Hirabai because both were tested Covid-19 positive.

4. Be that as it may, the incident was witnessed by Latabai, who reported it to the police on 14/15th April, 2021, whereupon subject crime was registered against Vishnu Pawar, for committing the murder of Sanket and causing grievous hurt to Dnyeshwar and Hirabai.

5. Applicant herein is wife of Vishnu Pawar. It may be stated that Latabai (complainant) did not disclose her applicants complicity when report was lodged. On 14/15th April, 2021. It is only on 4th May, 2021 on statement of Hirabai (mother of the Sanket), she disclosed the complicity of the applicant in

crime and that too on 7th May, 2021. Prosecution when questioned as to why the applicant's, complicity was not disclosed soon after incident, prosecution would to say that since Hirabai was tested covid positive till 4th of May, 2021, her statement could not be recorded. I am not convinced with this answer, for a simple reason that complainant Latabai was not injured in the incident, and although she had witnessed the incident she did not disclose the complicity of the applicant in the subject crime. Merely for 22 days, after recording the statement of Hirabai (mother of Sanket) on 7th May 2021, she disclosed the complicity and attributed the role of the applicant. In consideration of this fact, prima facie, I am of the view that applicant has been arraigned as an accused on reconsideration. Prima facie it's improvement. As such, application is allowed.

(i) In the event of arrest of the Applicant in connection with Crime No. 48 / 2021 registered with M.I.D.C. Paithan Police Station, District Aurangabad, she shall be released on bail on executing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii). The applicants shall join the investigation as and when called by the Investigating Officer .

(SANDEEP K. SHINDE)
JUDGE

ysk