

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 712 OF 2021

Nanda w/o Anna Jadhav

Applicant

Versus

The State of Maharashtra

Respondent

Mr. J.V. Deshpande, Advocate for the applicant.

Mr. S.D. Ghayal, APP for respondent/State.

**CORAM : M.G. SEWLIKAR, J.**

DATE : 27<sup>th</sup> August, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail.

2. Facts leading to this application are that the deceased was the brother of the informant and the applicant is the wife of the deceased. Dead body of the deceased was found at village Garaj, Tq. Vaijapur, Dist. Aurangabad. From the condition of the dead body, it appeared to be a homicidal death as there was evidence of throttling. After registration of offence, the dead body was sent for Post Mortem. Post Mortem report indicated cause of death to be strangulation.

3. Charge-sheet has been filed. Shri Deshapnde, learned counsel for the applicant submits that there is no evidence to connect the applicant with the offence. He submits that only evidence against the applicant is the hearsay evidence about her illicit relations with accused No. 1. witnesses themselves state that they got the knowledge of illicit relations from the police. Apart from this, there is no evidence to connect the applicant with the offence.

4. Learned APP submits that there is Call Details Record (CDR) indicating that the applicant and the accused No. 1 were in contact with each other. He submits that this lends credence to the theory of the prosecution of applicant having illicit relation with accused No. 1.

5. Learned counsel Shri Deshpande submits that this CDR is not part of the charge-sheet.

6. On perusal of papers and the charge-sheet, it appears that the entire evidence is in the nature of hearsay as regards illicit relations between the applicant and accused No. 1 are concerned.

There is no evidence, indicating that the applicant having been seen last with the deceased as at the time of the incident, the applicant was staying with her mother. Having considered the evidence collected by the prosecution, I am inclined to release the applicant on bail. Hence the following order :-

**ORDER**

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount, in connection with Crime No. 00118/2021 registered with Shivoor Police Station, Dist. Aurangabad, for the offences punishable under Sections 302, 201 of the Indian Penal Code.
- iii) Application stands disposed of.

( M. G. SEWLIKAR )  
Judge