

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

948 BAIL APPLICATION NO.719 OF 2021

SUNITA DHANRAJ THOMBARE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Shrikant G. Kawade
APP for Respondents: Mrs. V.S. Chaudhari.

CORAM : V.G. BISHT, J.

ORDER RESERVED ON : 10th August.2021
ORDER PRONOUNCED ON : 12th August, 2021.

ORDER:

1] This application has been filed by the applicant under Section 439 of the Cr.PC. to enlarge her on bail in connection with Crime No. 01/2021 registered with Police Station, Bhoom, Taluka Bhoom, Dist. Osmanabad under Section 302 r/w. 34 of IPC.

2] The informant is the younger brother of Dhanraj (since deceased). The applicant herein is the wife of said deceased. She has two sons, namely, Vitthal and Pravin @ Pandu. On 1/1/2021, said Pravin visited the house of the informant and informed that the deceased had fallen from a vehicle and is required to be taken to the hospital. The informant accordingly accompanied Pravin and after reaching there, found injuries on the left side of the head of the deceased and his ear was in broken condition. The informant accordingly summoned the Police

Patil. The Police Patil then confronted said Pravin. Pravin then revealed that the deceased used to beat his mother i.e. present applicant without any reason and also used to quarrel with her and his brother. The applicant was fed up with the behaviour of the deceased and, therefore, decided to do away with the life of the deceased. He further revealed that he, alongwith his brother Vitthal and present applicant then started beating the deceased. Pravin also gave a blow of wooden log on the head of the deceased, who died instantaneously.

3] Mr. Kawade, learned counsel for the applicant, submits that there is no eye witness of the incident, which is also apparent from the investigation papers. Moreover, the role of the present applicant is vaguely described. The only accusation against her is that she had joined alongwith others in beating the deceased. She being a woman and permanent resident of the village and the fact that charge sheet has already been filed, there is no question of her fleeing from justice.

4] Per contra, learned APP, invited my attention to the contents of the FIR and also the statement of witnesses and vehemently submitted that the witnesses have clearly and unequivocally supported the contents of the FIR. In such circumstances, there being no merit in the application, same is liable to be dismissed.

5] On perusal of the investigation papers, more particularly, the FIR and the statement of relevant witnesses, namely, Birmal Parmeshwar Thombre and Mahadeo Ishwar Shingte, it is more than clear that, prima facie, the case of the prosecution is based on the extra-judicial confession. So also, as far as the role of the applicant is concerned, it is only stated that she had beaten the deceased. It is not made clear,

whether any weapon was used by her or not. The only weapon i.e. wooden log, was allegedly used by Pravin, by means of which, he had given a blow on the head of the deceased, leading to his death on the spot.

6] Having regard to the above circumstances, in my considered opinion, the present applicant deserves to be enlarged on bail.

7] Hence, the order :-

: O R D E R :

[a] The application is allowed.

[b] The applicant be released on bail in connection with Crime No.01 of 2021 registered at Police Station, Bhoom, on her executing PR bond in the sum of Rs. 25,000/- and on furnishing one or more sureties in the like amount, on the following conditions :-

[i] She shall not tamper with the evidence or influence the witnesses.

[ii] Bail before trial court.

**[V.G. BISHT]
JUDGE.**

grt/-