

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.700 OF 2021

Laxmibai W/o Bhavarao Thale,
Age 51 years, occu. Household,
R/o Thale Wadi, Tq. Bhokardan,
Dist. Jalna.

... Applicant.

VERSUS

The State of Maharashtra
(At the instance of Bhokardan police station
Tq. Bhokardan Dist. Jalna)

... Respondent.

...

Advocate for the Applicant : Mr. S. N. Lute
APP for the Respondent – State : Mr. A. V. Deshmukh

...

CORAM : V. G. BISHT, J.

DATE : 25th AUGUST, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.149/2021 registered with Bhokardan Police Station, District Jalna for the offences punishable under Sections 498-A, 302 read with Section 34 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that Daivshala alias Ashabai (since deceased) was married to accused Sudam. Present applicant is the mother-in-law of the deceased.

Prosecution alleges that the deceased always used to tell the informant about the physical and mental harassment. Even the informant was ready to pay Rs. Five lakhs to the accused Sudam Bhavrao Thale. According to the prosecution on 12.05.2021, accused husband and in-laws of the informant in order to kill the deceased, pushed her into a well and attempted to murder.

3. Mr. Lute, learned counsel for the applicant, submits that there is no direct evidence to show that the present applicant alongwith other accused pushed deceased into a well. The allegations are levelled on the basis of surmises. In such circumstances, the applicant deserves to be given the benefit of pre-arrest bail.

4. Mr. Deshmukh, learned APP for the Respondent – State, on the other hand, submitted that the deceased was physically and mentally harassed by in-laws including the present applicant and ultimately they all pushed her into a well and thereby caused her death.

5. Admittedly, there is no direct evidence in the nature of eye witness nor there is circumstantial evidence which would

prima-facie point out the guilt of the applicant. I have also gone through the post mortem report which is made available by the learned APP wherein final opinion as to the cause of death had been reserved by the Civil Surgeon in view of the pendency of chemical analysis report. Even the learned APP was unable to furnish the cause of death. In such circumstances, I am of the considered view that present application deserves consideration. Hence the following order :

ORDER

- (i) In the event of arrest of the applicant - Laxmibai W/o Bhavarao Thale herein in connection with Crime No.149/2021 registered with Bhokardan Police Station, District Jalna for the offences punishable under Sections 498-A, 302 read with Section 34 of the Indian Penal Code, the applicant is directed to be enlarged on bail on her furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty Thousand only], with one or two sureties in the like amount.
- (ii) The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
- (iii) The applicant shall not tamper with the prosecution evidence in any manner.
- (iv) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**