

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

934 BAIL APPLICATION NO.1375 OF 2021

Lalitabai w/o Shivaji Mane
Age; 48 years, Occu.: H.H.,
R/o. Omerga, Tq.Nilanga,
Dist. Latur.

..Applicant
(Orig. accused)

VERSUS

The State of Maharashtra
Through the Police Officer,
Nilanga Police Station,
Tq.Nilanga, Dist.Latur.

..Respondent

...

Advocate for Applicant : Shri P. P. More
APP for Respondent : Shri N.T.Bhagat

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CORAM : M.G.SEWLIKAR, J.

DATE: 30th November, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No.147 of 2021, registered with Nilanga Police Station, Dist.Latur, under Sections 302, 504. 506, 34 of the Indian Penal Code.

2. Allegations against the applicant are that the applicant is the wife of the informant. It is alleged in the FIR that the deceased, who was the mother of the informant, did not get along well with the applicant. The applicant and the deceased

were not on good terms with each other. On 4th June, 2021 at 06:00 to 06:30 a.m., the applicant picked up quarrel with the informant. The deceased tried to convince the applicant. At that time, the applicant and her son opposed the deceased and threatened her to kill her. At 09:00 a.m. the applicant and son Ganesh went away on Motorcycle.

3. It is further alleged that at 02:30 p.m., one Yogesh Mule telephonically informed the informant about the death of his mother. The informant immediately went back to his house. The deceased was lying on the floor with injured condition. On inquiry, the informant came to know that the applicant and her son had been to the house at 10:30 a.m., they had altercation with the deceased and at 11:45 a.m., applicant and her son seem to have left the house of the informant. On suspicion, applicant and her son were arrested. Crime No.147 of 2021 came to be registered with Nilanga Police Station, Dist.Latur, under Sections 302, 504, 506, 34 of the Indian Penal Code against the applicant and her son.

4. Heard Shri P.P.More, learned counsel for the applicant and Shri N.T.Bhagat, learned APP for the respondent-State.

5. Shri More, learned counsel for the applicant submits that the applicant and her son are living in different room in the same house. He submits that mother of the deceased and applicant were having cordial relations. He submits that applicant was not on good terms with her husband i.e. informant. Applicant had no motive to kill the deceased. Except the statements of the witnesses that at 10:30 a.m., the applicant and her son were seen in the company of the deceased, there is nothing on record to show that the applicant had any role to play in the alleged murder of the deceased. He submits that except last seen theory, there is no evidence to connect the applicant with the offence.

6. Charge-sheet is filed. On perusal of the charge-sheet it appears that there is no recovery from the applicant. Applicant has no criminal antecedents. Applicant and the deceased were living under the same roof but in different rooms. Nothing is placed on record to show that the applicant and the deceased were on bad terms. Applicant, therefore, did not seem to have any motive to kill the deceased. From the FIR, it appears that at 10:30 a.m. applicant had left the house alongwith her son on Motorcycle. It appears from the statements of the witnesses that she was back at 11:45 a.m. and again went away.

Thereafter, at 02:30 p.m., the deceased was found dead. From the entire evidence of the prosecution, it does not appear that the applicant had any motive to kill the deceased. Applicant is a lady. She will be available for trial as she has permanent residence. Considering the nature of the allegations and the evidence collected by the prosecution, I am inclined to release applicant on bail. Hence, the order.

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.15,000/- (Rs.Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.147 of 2021, registered with Nilanga Police Station, Dist.Latur, under Sections 302, 504. 506, 34 of the Indian Penal Code.
- iii) Bail Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE