

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

BAIL APPLICATION NO.1454 OF 2021

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|----|---------------------------|--------------|
| 1. | Pooja w/o. Kiran Lawadkar | |
| 2. | Asha w/o. Dilip Lawadkar | ..Applicants |
| | Vs. | |
| | The State of Maharashtra | ..Respondent |

Mr.P.P.More, Advocate for applicants
Mr.Y.G.Gujrati, APP for respondent

CORAM : R.G. AVACHAT, J.
DATE : DECEMBER 17, 2021

ORDER :-

This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.252 of 2021 registered with Jafrabad Police Station, Dist. Jalna, for the offences punishable under Sections 302, 143, 147, 148, 323, 504 read with Section 149 of Indian Penal Code.

2. Heard. Perused the First Information Report (FIR).
3. Learned APP would submit that the applicants have been involved in the offence of murder and investigation thereof is still underway. He, therefore, urged for rejection of the application.
4. The applicants are women. They have been behind the bars since 04.11.2021. Close reading of the FIR does indicate that no

overt-act has been attributed to them. The gist of the FIR reads thus:-

The informant is resident of Gosavi Wada, Mahora, Tq. Jafrabad, Dist. Jalna. One Sanjay Mulekar was residing in the neighborhood of the informant. Sanjay was addicted to alcohol and Ganja. He (Sanjay) would abuse the informant and his family members. It so happened that on 01.11.2021 by 06.30 p.m., Sanjay started abusing the informant and his family members. Kalabai, wife of the informant, asked him, not to abuse them. Sanjay, thereupon, started abusing more and more. Bhaulal, brother of Sanjay and his relations, namely, Ramesh and the applicants herein came there. All of them abused the informant and his family members. Sanjay, Bhaulal and Ramesh pelted stone on the informant and his wife – Kalabai. The stone pelted by Bhaulal hit Kalabai's head. It has also been averred that another stone pelted by Sanjay hit Kalabai on her head, as a result, she became unconscious. She was, therefore, rushed to the Primary Health Centre, Jafrabad. She was shifted to Civil Hospital, Jalna, for better treatment. She was then brought to Aurangabad for further treatment. She, however, succumbed to the head injury.

5. It is reiterated that the aforesaid averments in the FIR nowhere attribute any overt-act to the applicants herein.

6. In view of the above, the application is allowed in the following terms:-

- (i) The applicants be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount in connection with Crime No.252 of 2021 registered with Jafrabad Police Station, Dist. Jalna, for the offences punishable under Sections 302, 143, 147, 148, 323, 504 read with Section 149 of Indian Penal Code.
- (iii) The applicants shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

kbp