

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

BAIL APPLICATION NO.1521 OF 2021

Sapna W/o Vijay Kawale

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Atul P. Shejul Advocate for Applicant.
Mr. N.T. Bhagat, A.P.P. for Respondent – State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 21st DECEMBER, 2021

ORDER :

1. Present Application has been filed under Section 439 of the Code of Criminal Procedure by the applicant who has been arrested in connection with Crime No. 0568 of 2021 registered with Cantonment (Chhawani) Police Station, Aurangabad for the offences punishable under Section 307, 323, 506 and Section 34 of the Indian Penal Code.

2. Heard learned Advocate for the applicant and learned APP for the respondent – State.

3. The informant who is 62 years old lady, has arrayed present applicant, her husband and their son who appears to be a juvenile in conflict with law. Perusal of the First Information Report would show that the allegations against the present applicant are that she had caught hold of the son of the informant. It is then stated that the husband of the present applicant had stabbed the son of the informant.

4. The injury certificate issued by the Government Medical College and Hospital, Aurangabad on 24th November 2021, which is provisional at this stage, shows two injuries. First is stab wound over left lower quadrant. Nature of injury is stated to be simple. Second is blunt trauma over back and the nature is stated to be simple. Thereafter, there is a discharge summary, which states that injured was discharged on 3rd November 2021. It gives an impression that injured was required to undergo surgery and it transpires that there were three stab injuries. First was in the lower back in midline with bone deep injury with spinous process palpable. Second was in the lower back, left

lumbar region with blood clots and the third stab wound over left upper chest over anterior axillary line.

5. Even if we consider the discharge summary and the injuries noted therein as grievous, yet the role attributed to the present applicant was that she had caught hold of the injured. Substantial part of the investigation appears to have been done. The weapon used in the offence stated to have been recovered at the instance of the accused No.1. Only the possibility of tampering with the evidence has been expressed by the Investigating Officer. Under such circumstance, case is made out to release the applicant on bail. Hence following order:-

ORDER

- i) The Application stands allowed.
- ii) The applicant – Sapna W/o Vijay Kawale be released on bail in connection with Crime No. 0568 of 2021 registered with Cantonment (Chhawani) Police Station, Aurangabad for the offences punishable under Section 307, 323, 506 and

Section 34 of the Indian Penal Code on PR Bond of Rs.30,000/- (Rupees Thirty Thousand) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand) each.

iii) The applicant shall give her Mobile Number to the Investigating Officer as well as to the Trial Court and shall comply with the requirements set out in Para No. 12 (1) to (6) of Chapter-I of Criminal Manual, whichever are applicable.

iv) The applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence in any manner;

v) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI , J.]