

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.557 OF 2020

Lilabai Shankar Wayale

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kabul Singh Labana for applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th March 2021

PC :

1. The applicant is arrested on 20th July 2018 in connection with CR No.I-181 of 2018 registered with Hill Line Police Station. The FIR was registered under Sections 498A, 306, 304B r/w 34 of Indian Penal Code and thereafter it was altered to Section 302 r/w 34 of Indian Penal Code.

2. The FIR was lodged on 20th July 2018. The deceased sister of the complainant was married to son of applicant. After the marriage there was harassment to her. On 20th July 2018 the father of victim was informed that the victim had committed suicide by setting herself on fire. The complainant and others then proceeded to the place of incident. FIR was registered. During the investigation it was revealed that it could be a case of murder and hence Section 302 was invoked.

3. The applicant is mother-in-law of the deceased. The son of the applicant is arrested and he is in custody.

Manish
S. Thatte

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4. Learned counsel for applicant submits that victim had committed suicide. Both the doors of the room were closed. The doors were broken open. There is no evidence that the applicants were involved in commission of murder. The applicant is in custody from two and half years.

5. Learned APP submitted that there is evidence to indicate that victim was killed and then burnt. The statement of witness indicate that accused were outside. There is a window to the room where the alleged incident had occurred. The window could be opened from outside. There were injuries on the person of deceased. There is every possibility that accused had entered into room, killed the victim and then pretended that it is the case of suicide.

6. The applicant is lady. She is aged about 67 years. She is in custody since last two and half years. The statement of witnesses indicate that after the incident accused were waiting outside the room and told the witnesses that the victim had burnt herself. Both the doors were found closed, and bolted from inside. The doors were required to be broke open. The case of the prosecution is that there is window from which there is every likelihood that the accused must have entered into the premises and killed the victim. There is no witness stating that the applicant had at any point of time made attempt to enter into the house from window. The post mortem report refers to the injuries with burn. Whether the applicant is involved in commission of murder, is debatable issue, which will have to be decided at the time of trial. The applicant is in custody for substantial period of time. Hence, bail can be granted.

Hence, I pass following order :

ORDER

- (i) Bail Application No.557 of 2020 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-181 of 2018 registered with Hill Line Police Station, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend Hill Line Police Station once in three months on first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicant shall not tamper with evidence.

7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST