

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2280 OF 2019

Jayashree Machindra Kadam .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr. Chaitanya Pendse - for the Applicant.

Mr. S. V. Gavand, APP for the State.

...

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 21st OCTOBER, 2021

P.C:-

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 filed by the aforesaid Applicant, who is facing trial in Sessions Case No. 478 of 2019 on the file of Additional Sessions Judge, Pune for offences under Sections 452, 302, 201 r/w 34 of the IPC.

2. Heard Shri Chaitanya Pendse, learned counsel for the Applicant and Mr. S. V. Gavand, learned APP for the State and considered the submissions advanced by the learned counsel for

**SEEMA
KSHITIJ
YELKAR**

Digitally signed
by SEEMA
KSHITIJ
YELKAR
Date:
2021.10.27
11:55:47
+0530

Seema

the respective parties.

3. The case of the prosecution in brief is that the deceased Chandrabhaga was having illicit relationship with the husband of the Applicant. It is alleged that on 10th February 2019 at about 8 p.m. the Applicant and her minor son went to the house of Chandrabhaga and assaulted her by a wooden log (dandka) and thereby caused her death. The First Information Report was lodged by Rupali Vishwas Gadebali, the sister-in-law of the deceased, pursuant to which Crime No. 79 of 2019 came to be registered against the Applicant and her minor son at Shirur Police Station, Pune.

4. In the First Information Report dated 12.02.2019, Rupali Gadebali alleged that on 10.02.2019, the Applicant had inquired with her whether the deceased Chandrabhaga was at home. She has further stated that at about 8 p.m. she heard Chandrabhaga screaming in pain. When she entered the room of Chandrabhaga, she noticed that Applicant and her minor son

were assaulting Chandrabhaga with a wooden log. She claims that since she was scared she went to her room. Later, after her husband returned home, she went to the room of Chandrabhaga and noticed that she was lying in pool of blood. Chandrabhaga was shifted to the hospital and declared dead.

5. It is pertinent to note that the statement of Rupali Gadebali was earlier recorded on 12.02.2019 under Section 174 of Cr. PC wherein she had stated that she had heard Chandrabhaga screaming and later on she had seen her lying on the floor in pool of blood. She had not implicated, the applicant in the previous statement, which was recorded immediately after the incident.

6. The records also indicate that there is discrepancy as regards the weapon of offence. The First Information Report indicates that Chandrabhaga was assaulted by a wooden log. However, the records indicate that while the applicant was In custody the Investigating Officer had recovered ash of the burnt weapon i.e. a fibre pipe which was allegedly used in committing the crime.

7. It is stated that the investigation in the said crime has been completed and Charge-sheet has been filed. Considering the nature of evidence in support of the accusations and also considering the fact that the applicant is a lady in my considered view this is a fit case for grant of bail. Hence following order:-

- (a) The Applicant is ordered to be released on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five thousand) with one or two sureties in the like amount;
- (b) The Applicant shall report to Shirur Police Station once in a month on every 1st Saturday between 11.00 a.m. to 01.00 p.m. until further orders;
- (c) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (d) The Applicant shall keep the Trial Court informed of her current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time;
- (e) The Applicant shall co-operate with the conduct of the

trial and attend the trial Court on all dates, unless exempted.

8. Bail Application stands disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)