

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPURCRIMINAL APPLICATION (BA) NO. 27/2021WITHCRI.APPP : 37/2021(Sau. Rajubai @ Rajakaka Gomase vs. The State of Maharashtra)

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 Office Notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 of directions and Registrar's orders

Court's or Judge's order

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 Mr. Rajnish Vyas, Advocate for the applicant  
 Mr. S.A. Ashirgade, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.DATED : 27<sup>th</sup> January, 2021

The applicant has filed the present Application u/s 439 of the Code of Criminal Procedure, seeking bail for offence punishable under sections 302, 376A, 120B, 34 of the Indian Penal Code registered at Police Station Sironcha, Dist. Gadchiroli, in respect of Crime No.175/2020.

I have heard learned counsel for the respective parties. Perused the case-papers.

The allegations against the applicant are that she has committed the murder of her mother-in-law by giving contract of killing to accused nos.2,3 and 4 as she suspected that her mother-in-law was having an illicit relationship with the applicant's husband.

Mr. Vyas, learned Advocate for the applicant contended that applicant had quarreled with her mother-in-law and threatened to kill her, just five days prior to the incident.

Apart from that, there is no evidence to implicate the applicant in the offence of murder.

Learned APP vociferously opposed the Bail Application.

After hearing both the sides and on a perusal of the reply as well as the entire charge-sheet, it is noticed that *prima facie* the evidence available against the applicant is that she had threatened to kill her mother-in law, on suspicion that her mother-in-law was having an illicit relationship with her husband. Even the recovery of the weapon is not from the applicant but from the other accused. Thus, there is no recovery of weapon from the present applicant.

Considering the facts and circumstances of the matter, I am of the opinion that the applicant can be released on bail by imposing certain conditions . Hence the order :-

**ORDER:**

The applicant-Sau. Rajubai @ Rajakka Gomase, be released on bail for offence punishable under sections 302, 376A, 120B, 34 of the Indian Penal Code registered at Police Station Sironcha, Dist.Gadchiroli, in respect of Crime No.175/2020 on her executing a PR bond in the sum of Rs. 25,000/- (rupees twenty five thousand) with one or two local sureties in the like amount, on the following conditions :-

(i) She shall attend the concerned Police Station, on every 1<sup>st</sup> and 3<sup>rd</sup> Saturday of each month, between 11.00 and 2.00 pm, till the trial commences.

- (ii) She shall provide her residential address and cellphone number to the concerned Investigating Officer and she shall not change the same without prior intimation to the Investigating Officer.
- (iii) She shall not tamper with the prosecution witnesses in any manner.
- (iv) She shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

CRI.APPP: 37/2021

In view of disposal of main Application, this Application does not survive. The same is disposed of.

**JUDGE**

*sahare*