

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 273/2021

Mayabai Bhimrao Rathod.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri V.D. Darne, Advocate for the Applicant.
Ms. S. Jachak, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : MAY 03, 2021.

Heard learned Counsel for the parties
through video conference.

2. The applicant lady is arrested in
connection with Crime No.778/2020 registered with
Digras Police Station, District Yavatmal for the
offence punishable under Section 302 read with
Section 34 of the Indian Penal Code.

3. The applicant had applied for grant of
bail after filing of the charge sheet. The State has
resisted the bail by filing reply affidavit.

2

4. Husband of the deceased victim lodged report regarding the occurrence. He stated that on 01.10.2020, the applicant – lady and her husband had pushed the victim [wife of the informant] in the Well. The victim lady died because of drowning hence, allegedly applicant has murdered the victim lady. The informant stated that he learnt the things from his daughter namely Pushpa, hence, lodged the report.

5. Perusal of the statement of Pushpa discloses that she was not the eye witness to the occurrence. According to her, at the relevant time her mother [deceased] had gone to the Well to fetch water. She heard sound of somebody falling into the Well. She saw that the applicant and her husband leaving the place. In true sense, she has not witnessed the exact occurrence, but, had drawn an inference that the applicant and her husband have pushed her mother into the Well.

6. Initially A.D. report was registered regarding accidental death of the victim.

3

Panchnama of the scene of offence discloses that the Well was not having any boundaries or fencing, meaning thereby unconstructed. Some articles like sleepers, utensils were seen floating in the Well water. The submission that possibility of victim falling into the Well by slipping therefore, needs consideration. Having regard to these facts, after completion of the investigation, detention of applicant is not necessary, particularly when the applicant is a lady member. In view of this, following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant / accused – Mayabai Bhimrao Rathod, be released on bail in connection with Crime No.778/2020 registered with Digras Police Station, District Yavatmal for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, on her furnishing P.R. Bond of Rs. 25,000/- with one or two sureties in the like amount.

4

- (iii) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Rgd.