

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

CRIMINAL APPLICATION (BA) NO. 1200 OF 2021

Rupa Wd/o Raju Bahuriya Vs. State of Maharashtra, Through Police
Station Officer, Police Station Ballarpur

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

Court's or Judge's orders.

Mr. A.S. Ambatkar, Advocate for the applicant
Ms. S.M. Ghodeswar, APP for non-applicant / State

CORAM : V.M.DESHPANDE, J.

DATE : 7th DECEMBER, 2021.

By filing this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail since she is arrested in connection with Crime No. 634/2021, registered with Ballarpur Police Station, District Chandrapur for offences punishable under Sections 302, 324, 342, 506 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act. Notices on this application were issued on 25/11/2021.

2. The applicant has placed on record the entire copy of the charge-sheet.

3. Heard Shri A.S. Ambatkar, learned counsel for the applicant and Shri S.M. Ghodeswar, learned Additional Public Prosecutor for the non-applicant / State and also perused the entire charge-sheet placed on record.

4. The applicant along with her two sons are arrested in the crime in question for committing murder of Rakesh, the son of first informant – Darshan Bahuriya. The present applicant is the real sister of first informant – Darshan. From the FIR, it is clear that family of the first informant and two sons, who are co-accused along with the present applicant are having pigs and they deal in the said business. As per the FIR, there used to be frequent quarrel in between the co-accused, sons of the present applicant and the family of first informant and in fact, one case is also pending in between the parties.

5. As per the prosecution case, on 30/05/2021, deceased Rakesh along with his friend Guddya @ Suresh Sonekar (eye witness) had been to one agricultural field and the complainant was in mine in search of his pigs. When he was returning, that time he noticed the gathering of people in front of the house of the applicant, the first informant's sister. That time, he noticed that his son Rakesh was lying on the ground and co-accused Rajkumar was assaulting by means of sword on his neck. Similarly, other co-accused Suraj was assaulting on Rakesh by means of stick. Thereafter, Suraj and Rajkumar ran away from the spot. According to the FIR, thereafter, first informant made enquiry with deceased's friend Guddya @ Suresh, that time he disclosed that when both of them returning to their houses, that time co-accused Suraj and Rajkumar assaulted on Rakesh by

means of sword and other pointed weapons. At that time, according to the first informant, Suresh disclosed to him that present applicant caught hold hairs of Suresh i.e. eye witness. That is the only role attributed in the FIR insofar as the present applicant is concerned.

6. During the course of investigation statement of Suresh is recorded before the learned Magistrate under Section 164 of the Code of Criminal Procedure, which is also part and parcel of the charge-sheet. Perusal of the said statement would also reveal that the said eye witness did not state anything against the present applicant in respect of the assault on the deceased either by first or kick blows or by any weapon. Statement under Section 164 of the Code of Criminal Procedure would show that the present applicant tried to accost Suresh by holding his hairs, she pressed Suresh against the wall.

7. Obviously, there is no recovery at the hands of the present applicant.

8. Looking to the FIR, statement under Section 164 of the Code of Criminal Procedure of the eye witness, I am of the view that the applicant, who is a lady, her application needs to be considered favourably. Resultantly, I pass the following order.

ORDER

i. Applicant – Rupa Wd/o Raju Bahuriya, be released on bail in connection with Crime No.634/2021, registered with Police Station Ballarpur District Chandrapur for offences punishable under Sections 302, 324, 342, 506 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act, on she executing PR bond of Rs.5000/- (Rs. Five Thousand) with one solvent surety of the like amount.

ii. The applicant shall not give any type of threats to any of the prosecution witnesses.

9. With this, the application is allowed and disposed of.

JUDGE*MP Deshpande*