

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1039 OF 2022

Annapurna Avdhutrao Mudhol	... Applicant
Versus	
The State of Maharashtra	... Respondent
....	
Mr. S. S. Gangakhedkar, Advocate for applicant	
Mr. A. V. Deshmukh, APP for respondent - State	
....	

CORAM : R. G. AVACHAT, J.
DATED : 22nd AUGUST, 2022

PER COURT :-

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0413/2021, registered at Akhada Balapur Police Station, District Hingoli, for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by the sister of deceased Avdhut Mudhol on 02.12.2021. It is averred in the FIR that the

deceased has some agricultural land at Maradga. One acre of land is sold for Rs.2,00,000/-. His wife (applicant) and two sons (co-accused) were not informed before sale of the land. They were annoyed with the deceased. Both the sons, therefore, got the land transferred in their names. The deceased had been beaten up by the applicant and his both the sons. He had, therefore, been to the house of the informant. Stayed there for some days. Then returned back to his village.

It is also the case of the prosecution that on 02.12.2021, the applicant and the co-accused first strangled the deceased at their residence. Both the sons then carried the dead body to their field in the night and burned it there. One Krishna Mudhol, on having seen the fire, went to the field in the morning to find a body of a human being was burnt. The informant, therefore, lodged the report alleging the wife (applicant) and both the sons of the deceased to have murdered him.

3. On investigation, the charge-sheet has been filed. The co-accused are alleged to have confessed commission of the crime.

4. The learned Advocate for the applicant would submit that the case is based on circumstantial evidence. The applicant is a

50 year old woman. On investigation, the charge-sheet has been filed. He, therefore, urged for grant of bail.

5. The learned APP would, on the other hand, submit that the applicant has killed her own husband. The manner in which the crime has been committed, is heinous one. The applicant does not deserve grant of bail. He, therefore, urged for rejection of the application.

6. Perused the FIR and the related papers. On investigation, the charge-sheet has been filed. The applicant is a woman. Witness Prabhakar Mudhol had seen the co-accused taking their father (deceased) home by 10.30 on 01.12.2021. They were beating up their father while being taken home.

7. Without making any further observations, this Court is inclined to grant bail to the applicant on the ground of her gender and the fact that on investigation, the charge-sheet has been filed. Hence, following order:

ORDER

(i) The Bail Application is allowed.

- (ii) The applicant be released on bail in connection with Crime No.0413/2021, registered at Akhada Balapur Police Station, District Hingoli, for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code, on her executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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