

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

BAIL APPLICATION NO.1287 OF 2022

Kanchan w/o. Ganesh Harwane ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.S.R.Pande, Advocate for applicant
Mr.S.P.Sonpavale, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 23, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0146 of 2022 registered with Paithan Police Station, Dist.Aurangabad.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged by the husband of the applicant (son of the deceased) on 27.04.2022. It is the case of the prosecution that the applicant assaulted her mother-in-law (mother of informant) on her head with a wooden piece. As a result thereof, she succumbed to the head injury.

4. What can be gathered from the prosecution case is that there used to be quarrel between the applicant and her mother-in-law. The informant (husband of the applicant), therefore, had effected a partition wall, so as to ensure that both applicant and the mother-in-law would not come in contact with each other. The incident took place when the informant was away at a dairy in the village. A four years old daughter of the applicant and the informant was present at home. As such, the averments in the FIR are based on hearsay. The case is based on eye witness account of a four years old daughter of the applicant and the informant. The daughter's statement has been recorded 24 days after the alleged incident. On investigation, charge sheet has been filed.

5. The applicant is mother of 15 months' old child. The child is said to be with her in jail. This fact leads this Court to grant her bail.

6. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0146 of 2022 registered with Paithan Police Station,

Dist.Aurangabad, on executing P.R. Bond in the sum of Rs.15,000/-
(Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution
evidence in any manner.

[R.G. AVACHAT, J.]

KBP