

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

BAIL APPLICATION NO.1505 OF 2022

Pooja w/o Jayram Rathod

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. E.D. Gajile, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 30th SEPTEMBER, 2022.

PER COURT :

Heard. 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.14/2022, registered at Gategaon Police Station, District Latur for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

2. The F.I.R. has been lodged on 22/2/2022 by the younger brother of the deceased. It is his case that, his brother Jayram (deceased) was physically handicapped. He had married the applicant way back in 2013. The applicant

was not happy with the marriage. She developed illicit relations with co-accused Balbhim. The deceased had, therefore, once beaten up the applicant. It was on 25/10/2021. The applicant and Balbhim both had assured him in writing that they would not have such relationship any longer.

3. It is further alleged in the F.I.R. that, on 18/2/2022, the informant was told that Jayram was lying near a mango tree in the field of one Ghutan Shaikh. The informant and his family members had, therefore, been to the spot. He gave a report on the same day i.e. on 19th February itself. In the said report, the informant did not speak anything against the present applicant.

4. It is only on post mortem examination, it was revealed that the deceased died of strangulation. The informant, therefore, lodged the F.I.R. on 22nd February, alleging therein to have suspected the involvement of the present applicant and the co-accused committed murder of his brother Jayram.

5. The learned A.P.P. submits that, the case is based on circumstantial evidence. There is material to indicate the applicant to have extra-marital relationship with co-accused.

Last seen together is also there. He, therefore, urged for rejection of the Bail Application.

6. The applicant being a woman, and the case having been based on circumstantial evidence, the Court is inclined to grant her bail. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.14/2022, registered at Gategaon Police Station, District Latur for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code on her 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.

(R. G. AVACHAT, J.)

fmp/-