

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

947 BAIL APPLICATION NO.1621 OF 2022

ANITA W/O. KIRAN GOPANE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. C. D. Fernandes a/w Mr. Dhotare
Vinod S.

APP for Respondent-State : Mr. V. M. Kagne.

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CORAM : S. G. MEHARE, J.

DATE : 13.10.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State.

2. The applicant is the wife of the assailant Kiran Gopane. The offence has been registered for the offences punishable under Section 302, 307, 324, 109 read with Section 34 of the IPC.

3. Learned counsel for the applicant would submit that the applicant had not been named in the FIR nor she was shown present on the spot of the incident. The first informant and the applicant are the neighbours. The allegations are against her husband. However, in a supplementary statement, the false allegations have been levelled against her that she caught hold

the hands of the informant and her husband assaulted her. Except this, there were no allegations against the applicant. She has been arraigned as an accused only being the wife of the main accused. She is 23 years old married woman. She married to the main accused six (6) months before the incident. She has been arrested on 30.10.2021. Since then, she is behind the bar. She has no role to play in the alleged incident. Therefore, she may be released on bail.

4. Learned APP would submit that the charge sheet has been filed. Her name came in the light in the supplementary statement of the first informant. The offence is serious. Hence, she may not be granted bail.

5. Perused the charge sheet. The applicant has not been named in the FIR. However, subsequently the supplementary statement of the first informant was recorded. That time, she alleged against the applicant that she caught hold the first informant and her husband assaulted her. The possibility of indulging the applicant in the crime along with her husband after thought cannot be ruled out. The applicant and first informant are the neighbours. Therefore, the first informant may not mistake in naming the applicant in FIR. Be that as it may, she is behind the bar for a long period. The investigation

is over. Nothing is to be recovered from her. She is 23 years old married woman. Therefore, she is entitled to bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant ANITA W/O. KIRAN GOPANE be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety of the like amount, in Crime No.254 of 2021, registered by Police Station Himayatnagar, District Nanded, for the offences punishable under Sections 302, 307, 324, 109 read with Section 34 of the IPC, on the following conditions.
 - (a) To stay with her parents till the conclusion of the trial.
 - (b) Not to tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

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vmk/-