

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.248 OF 2022

Shobha Balu Bhong

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Ganesh Bhujbal for the Applicant.

Ms Rutuja Ambekar, APP for Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 23rd NOVEMBER, 2022.

P. C. :-

1. This is an application under Section 439 of Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No.97 of 2021 at Sessions Court, Baramati, for the offences punishable under Sections 201 and 302 r/w 34 of the IPC.

2. Heard Mr. Ganesh Bhujbal, learned counsel for the Applicant and Ms Rutuja Ambekar, learned APP for Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Applicant herein is the mother-in-law of the deceased Rani. Marriage between the deceased Rani and Kiran was solemnized

in the year 2016. It is the case of the prosecution that the Applicant and the other co-accused used to harass the deceased and suspect her character. It is alleged that on 20/03/2021 the Applicant and her son Kiran had assaulted Rani accusing that she had gone to the house of one Dilip Adling. They took the deceased to Ghodebazar at Aklij. The Applicant called Hulage and questioned him about illicit relations with the deceased. It is alleged that Kiran assaulted the deceased whereas the Applicant and one Sindhubai assaulted said Hulge, who was persistently claiming that the deceased was like his daughter and he did not have illicit relations with her. It is alleged that people from the locality intervened and the Applicant and others left the place, threatening to cause their death if they lodged a complaint.

4. The Complainant has stated that she and others went to the house of the deceased on the same date at about 5.30 p.m. The deceased served them tea and thereafter co-accused Kiran dropped him home. About half an hour later they received a phone call that Rani had committed suicide.

5. The post mortem report prima facie reveals that death of the deceased was due to strangulation. The post mortem report also reveals that there were some injuries on the face of the deceased. The

Complainant has accused the Applicant and the co-accused of having committed murder of the deceased-Rani. The material on record prima facie reveals that the Applicant and the co-accused suspected that the deceased was having extra marital relations and had assaulted her with kicks and blows. The injuries inflicted on the deceased by the Applicant and the co-accused were not fatal. The death of the deceased was due to strangulation. At this stage there is no prima facie material to indicate that the death of Rani was homicidal. The threats allegedly given by the Applicant were general in nature. These facts and circumstances, in my view, justify grant of bail. Furthermore, the Applicant is in custody since 23/03/2021. It is stated that the charge is not yet framed. Considering the large pendency, there is no possibility of the trial commencing in immediate future. The Applicant is a permanent resident of the State and there is thus no possibility of the Applicant absconding or thwarting the course of justice.

6. Hence, the application is allowed on the following terms and conditions:-

- (i) The Applicant, who is facing trial in Sessions Case No.97 of 2021 at Sessions Court, Baramati is ordered to be released on bail on furnishing bail bonds of

Rs.30,000/- with one or more sureties in the like amount;

(ii) The Applicant shall report to Indapur Police station on first Monday of every month till framing of charge.

(iii) The Applicant shall keep the Investigating Officer informed of her current address and mobile contract number and /or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)