

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

CRIMINAL BAIL APPLICATION NO. 929 OF 2022

Anuja Pramod Phadtare	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Sanjeev Kadam a/w Mr. Rupesh Bobade, Advocate for the Applicant.

Mr. N.B. Patil, APP for the Respondent – State.

Mr. P.V. Waghmare, API, Baramati City Police Station.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	19th OCTOBER, 2022.

PER COURT:

1. The applicant is arrested on 23rd November, 2021 in C.R. No.648 of 2021 registered with Baramati Police Station for offence under Sections 302, 307, 201 r/w 34 of Indian Penal Code.

2. The case of the prosecution is that the deceased was in relationship with the father of the applicant. The applicant and her brother had assaulted her and their father when they found them together. The alleged assault was by sticks. The father of the applicant was the patient of the complainant to whom the accused had approached after the deceased had suffered injuries on account of assault. The victim was dead. The information was provided to the relatives of the deceased. Pursuant to that the body of

deceased was cremated by her relatives. Unfortunately, postmortem could not be conducted. The Doctor however, lodged the complaint about the incident on 22nd November, 2021. First information report was registered. Statements of witnesses including the father of the applicant were recorded. The applicant and her brother were arrested.

3. Learned counsel for the applicant submitted that the applicant is lady aged around 31 years and she is an architecture by profession. The alleged assault is by sticks on account of the relationship between her father and deceased. On the day of incident, they were together, which had allegedly enraged the applicant and her brother who assaulted deceased as well as their father by sticks. There is no opinion as to cause of death in the absence of postmortem report, however, statements of witnesses would indicate that there was some blue spots found on body of deceased and blood was oozing from her nose. Assuming the prosecution case to be true, it does not appear that there was any intention to commit murder. The applicant is in custody for substantial period of time and further custody is not necessary.

4. Learned APP submitted that the accused were instrumental in assault with sticks. The father of the applicant is the eye witness

to the incident. He was also assaulted by the applicant and her brother. The accused did not disclose to police the incident of assault. The complainant then lodged the first information report. The version of the complainant is corroborated by the father of the applicant. There is sufficient evidence to indicate that the applicant and co-accused were involved in assaulting the deceased which has led to her death. Thus there is sufficient evidence to show the involvement of the applicant in commission of offence.

5. From the documents on record it is apparent that the motive for commission of alleged crime is that the father of the applicant was having illicit relationship with deceased and on the day of incident her father and the deceased were together. The assault is by sticks. In the absence of postmortem report but considering statements of the witnesses and the evidence on record it does not appear that there was any intention to commit murder. The assault was by sticks. It also appears that the victim was taken to the Doctor for treatment. Considering these aforesaid facts, further detention is not necessary.

ORDER

- i. Criminal Bail Application No. 929 of 2022 is allowed;
- ii. The applicant is directed to be released on bail in

connection with C.R. No.648 of 2021 registered with Baramati Police Station on executing PR. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

iii. The applicant shall report concerned Police Station once in six months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

iv. The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.

v. Application stands disposed off.

(PRAKASH D. NAIK, J.)