

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.990 OF 2022

Vaishali Shrikant Kharat

Applicant

versus

The State of Maharashtra

Respondent

Mr.Satyavrat Joshi, Advocate for applicant.

Mr.M.G.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th October 2022

PC :

1. The applicant is arrested on 30th September 2021 in connection with C.R No.376 of 2021 registered with Aatpadi Police Station, District Sangli for offence u/s.302 of Indian Penal Code. The case of prosecution is that there was quarrel between applicant and her husband. During scuffle the husband tried to assault her with knife. The applicant had allegedly pushed her husband and gave blows of stone lying there. She also assaulted the husband with stone which was lying at the place of incident.

2. The FIR was registered at the instance of Police Patil. During the course of investigation statement of son of applicant was recorded. He has narrated the incident as referred to hereinabove.

3. I have perused the post mortem report where reference to CLW to left side forehead and CLW on parietal region is referred to. There is also injury on the left side of leg. Learned advocate for applicant submitted that there was no intention to commit murder. The incident had occurred at the spur of moment. The victim was aggressive. The applicant had used right of private defense. The

dispute was between husband and wife.

4. Learned APP submitted that applicant had used knife to assault the deceased. There is eye witness to the incident.

5. As stated above, the eye witness is the son of applicant. As per his version there was scuffle between applicant and her husband. The deceased was carrying knife. The applicant had allegedly pushed her husband, as a result of which he fell down. The applicant used stone which was there to assault him and also gave blows of knife. From the post mortem report it is apparent that there was CLW on the leg. Prima facie it does not appear that there was intention to kill the husband. The incident had occurred on the spur of moment when the deceased tried to assault the applicant. The applicant is in custody for a period of about one year. No further detention is necessary.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with C.R No.376 of 2021 registered with Aatpadi Police Station on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- in lieu of sureties;
- (iv) The applicant shall attend Trial Court regularly on the date of hearing, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)