

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3738 OF 2021

Vaishali Ashok Bhakare .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Uday Warunjikar a/w Mr. Aditya Kharkar for the Applicant.

Mrs. A.A. Takalkar, A.P.P. for the State/Respondent.

Mr. Sukumar Patil, PSI, RCF Police Station.

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CORAM: BHARATI DANGRE, J.
DATED : 24th AUGUST, 2022

P.C:-

1. The applicant is a wife of one Ashok Bhakare, and the accusations which she face, is that she has murdered him on 7/09/2020. She came to be arrested on the very same date of the incident, as if it transpired, that she herself gave a call to the Police Station stating, that she had killed her husband, and since he is grievously injured, she required police assistance. The phone call was made on number 100, from the mobile number .7678091805, which belong to her.

2. The spot panchnama conducted during investigation reflect the scenario in the house, where the deceased is lying in pool of blood. A wooden rod and an iron hammer is lying on the floor

along with one iron pipe. One pillow is also found lying near by. Blood stains are found in various patches, on the walls of the room.

The postmortem report refer to 12 injuries in the form of CLW present over various parts of the body of the deceased. Column no.19 of the report record as under:-

“Linear fracture of occipital bone present in mid line running vertically downwards towards base of skull involving posterior and middle cranial fossa of length 12 cm with evidence of blood infiltration.”

The cause of death has been ascertained as “Head injury”.

3. The charge-sheet include statement of several witnesses and also of one, Kamal Barsakale. The mother of the applicant has recorded her statement on 13/09/2020, when she states that on the date of incident, at around 10:00 o'clock when someone knocked the door, she opened it and one of her grand-daughter came into the room. At 11:30 a.m. Kiran informed her that the applicant had told her, that she had killed Ashok and had called the police. Accordingly, when she went into the room, she found Ashok lying in the pool of blood.

Statement of Police constable Adik Lohar is also compiled in the charge-sheet, to whom the applicant has disclosed, that she had assaulted her husband in a fit of anger, as she was fed up

with his drinking habit.

4. In the wake of the material compiled in the charge-sheet which clearly *prima facie* point to the guilt of the applicant, she do not deserve her release, despite the learned counsel for the applicant vehemently submitting that it is, two years since her arrest, she is incarcerated.

5. Needless to state that the observations made hereinabove are *prima facie* in nature and are limited to the extent of disposal of the application, seeking bail.

Application is rejected.

(SMT. BHARATI DANGRE, J.)