

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

CRIMINAL BAIL APPLICATION NO.3789 OF 2021

Smt. Chandabai Kuber Narale ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Amit P. Ghag, Advocate for the Applicant.

Mr. A. A. Palkar, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th OCTOBER, 2022.

PER COURT:

1. The applicant is seeking Bail in CR No.390 of 2021 registered with Mangalvedha Police Station, Solapur on 10th June, 2021 for the offences punishable under Section 302 of the Indian Penal Code.

2. The case of the prosecution is that on 9th June, 2021, the applicant had approached the Police and lodged the complaint alleging that her daughter (deceased) is lying dead in the house and that she is being killed by some other person. As stated in the FIR, the alleged incident had occurred on the terrace of the house when the applicant came down on the ground floor of the house. The FIR was registered for the offence punishable under Section 302 of the Indian Penal Code against unknown persons. However,

during the course of investigation, it was revealed that the applicant had killed the deceased. It is alleged that on account of certain issues, there was quarrel between the deceased and the applicant. The applicant was assaulted by the deceased in the past and on account of harassment caused by the deceased to the applicant, the deceased was killed by the applicant, by throwing stone on her head. The stone was lying at the spot of the incident. The applicant was arrested on 10th June, 2021. During the course of the investigation, the statement of son and the daughter of the Applicant were recorded. They have stated that their mother (applicant) had disclosed to them that on the date of incident, the deceased was harassing her. She was carrying stone with her and during the quarrel, the applicant had hit her by throwing the stone on her head. The prosecution is relying on the said statements as extra judicial confession.

3. The prosecution is relying on the two circumstances. Firstly, the recovery of the blood stained clothes of the applicant from the house on 13th June, 2021, and secondly on the statements of the son and daughter of the Applicant in the nature of an extra judicial confession of applicant.

4. Learned APP submits that initially the applicant tried to

mislead the police by lodging the FIR against unknown person. There is evidence of blood stained clothes and an extra judicial confession.

5. The applicant is mother of the deceased. She is aged around 62 years. Applicant was arrested on 10th June, 2021. Alleged recovery of clothes was made on 13th June, 2021. According to prosecution case, the clothes are blood stained. During the course of investigation, the statements of neighbours who visited the place of incident immediately after the incident were recorded. Apparently, these witnesses have not stated there were blood stains on the clothes of the applicant. On the date of incident, the alleged extra judicial confession made on 11th June, 2021 to the son and daughter of the applicant. The extra judicial confession by itself is a weak piece of evidence. It is also relevant to note that the said statements of the son and daughter of the Applicant were recorded in the presence of the Police. The victim was carrying stone which was allegedly used while committing crime. The Applicant is in custody for a substantial period of time.

6. Hence, the following order :

:: ORDER ::

- (i) Criminal Bail Application is allowed.
- (ii) The applicant is directed to be released on bail in

connection with CR No.390 of 2021 registered with Mangalvedha Police Station, Solapur, on her executing PR Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.

- (iii) The applicant is permitted to furnish for cash bail in the sum of Rs.20,000/- for a period of eight weeks.
- (iv) The applicant shall report concerned police station once in three months between 11.00 am to 1.00 pm till further order.
- (v) Criminal Bail Application is disposed of

(PRAKASH D. NAIK, J.)