

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.331 OF 2022

Malta w/o Pradip Khandare

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Chandurbazar,
District Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. R. Agrawal, Advocate for applicant.
Mr. A. R. Chutke, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 26/04/2022

Heard Mr. Agrawal, learned counsel for the
applicant and Mr. Chutke, learned APP for
non-applicant /State.

2. The applicant has been arraigned for the
offence punishable under Sections 302, 201, 147, 148
and 149 of the Indian Penal Code in crime No. 600 of
2021.

3. Mr. Agrawal, learned counsel for the
applicant submits that the applicant has been falsely
implicated only on the ground that the accused nos.1
and 5 are her brothers and Accused no.4 is her husband.
He submits that there are no eyewitnesses and there is
nothing on record to indicate the involvement of the

applicant in the alleged crime, considering which, the applicant is entitled to bail.

4. Mr. Chutke, learned APP for the non-applicant/State fairly contends that there are no eyewitness in the instant crime. The only allegation against the applicant is that she is the sister of the accused nos. 1 and 5 and the wife of the accused no.4. He also admits that there is no disclosure on behalf of the applicant. He, however, submits that since there was an old enmity against the accused no.1 with the mother and brother of the deceased, the involvement of the applicant cannot be ruled out. On this ground, he submits that the application needs to be rejected.

5. The incident is dated 22.12.2021, on which day, it is alleged that in early hours the deceased was done to death by the accused persons and his body was thrown near the railway track at Wadura. Admittedly, there is no eyewitness to the incident. The only allegations, against, the present applicant is that she is the sister of the accused nos. 1 and 5 and the wife of the accused no.4. The statement of the accused nos. 1 and 5 under Section 27 of the Indian Evidence Act, in so far as, they implicate the applicant is inadmissible, against the present applicant. Even otherwise, except for the alleged presence of the applicant at the spot, nothing else is attributed to her. There is no recovery at her behest, as

against which, there is a recovery of knife at the instance of accused no.1 and iron rod from the accused no.5. Though there is a contention that there was an earlier dispute on 19.12.2021 between the mother and brother of the deceased and the accused no.1, that by itself is not sufficient to connect the applicant with the crime, considering which, a case for bail is made out. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant be released on bail in Crime No.600 of 2021 for the offence punishable under Sections 302, 201, 147, 148 and 149 of the Indian Penal Code, on furnishing P.R. bond in the sum of Rs.75,000/- (Rupees Seventy Five Thousand only) and two solvent sureties of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence nor shall try to influence them in any manner whatsoever.
- (iv) The applicant shall not indulge into any criminal activity while on bail.
- (v) The applicant shall attend each and every date before the learned Sessions Court and ensure that the trial is not protected on her count.
- (vi) Violation of any of these conditions shall result in cancellation of bail.

JUDGE