

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

CRIMINAL APPLICATION (BA) NO.1233 OF 2022

Smt. Damyanti w/o Brijmohan Shakya.Vs. State of Maharashtra, through PSO PS Khaparkheda, Tah. Saoner, Dist. Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. Kaole, Advocate for the applicant.

Shri N.R.Rode, APP for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/11/2022

Heard.

2. The applicant is seeking bail in Crime No. 380 of 2022, registered with Police Station Khaparkheda, District: Nagpur, for the offences punishable under Section 302, 323 read with Section 34 of the Indian Penal Code, 1860.

3. After going through the FIR and the charge-sheet, it can be seen that the allegations are of assault by fist and blow. There is no allegation showing the intention of the applicant to commit murder or it was premeditated. The applicant and the deceased were closely related.

4. Moreover, the M.L.C. Report and the PM Report do not show any grievous injury. The M.L.C. Report shows that when he was hospitalized, the deceased was facing difficulty in breathing. The cause of death is blunt and trauma to the chest and abdomen.

5. Considering the story of the prosecution and narration of the incident, *prima-facie*, it appears that in a heat of anger, the incident took place. In the circumstances, as the charge-sheet is

filed after completion of the investigation, I am of the opinion that the applicant being a lady, on certain stringent conditions, should be released on bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No. 380 of 2022, registered with Police Station Khaparkheda, District: Nagpur, for the offences punishable under Section 302, 323 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall not tamper with the prosecution evidence.
- d) The applicant shall not enter the territorial jurisdiction of Khaparkheda, Tah. Saoner, Dist. Nagpur, till the culmination of trial, except for the trial.
- e) The applicant shall provide her address along with name of the nearest Police Station and shall attend the concerned Police Station on 1st of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- f) The State is at liberty to move application for cancellation of bail, in case of breach of any condition or the applicant repeats the similar offence.

JUDGE