

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

CRIMINAL APPLICATION (BA) NO.1381 OF 2022

(VARSHA JAGDISH GALAVAT....VS.. STATE OF MAH. THR. PSO PS DEORI, DISTT. GONDIA)

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

Court's or Judge's orders

Ms Maira Ateeb, Advocate for Applicant.
Shri N.R.Rode, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 16, 2022.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.250 of 2021, registered with Police Station, Deori, District : Gondia for the offences punishable under Sections 302, 201 of the Indian Penal Code.
3. In this case, the allegations are that the applicant committed murder of her husband. After going through the extra-judicial confession made before the Police Patil by the applicant, it appears that at the time and date of the incident the deceased assaulted the applicant under the influence of liquor and in defence the applicant assaulted him with stick, because of which he sustained injuries and later he succumbed to it.
4. In this case, the charge-sheet has been filed after investigation. The applicant is in jail from

01/11/2021 i.e. for more than one and half year. Even if the prosecution story is accepted on its face value the incidence is not premeditated, but in a heat of anger it took place. There is nothing to *prima-facie* gather the intention of the applicant to commit murder of her husband. The applicant is having two minor children. Thus, considering the overall circumstances and the fact that if the applicant is released on bail there is no possibility that she will not be available for trial or there is any possibility of tampering with the prosecution evidence, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order:

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.250 of 2021, registered with Police Station, Deori, District : Gondia for the offences punishable under Sections 302, 201 of the Indian Penal Code, on furnishing P.R.Bond of Rupees Fifty Thousand with one solvent surety in the like amount;
- iii) The applicant shall attend the concerned Police Station as and when her presence is required, till culmination of the trial.

- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v) The applicant shall attend the trial before the Sessions Court regularly on every date unless exemption is granted by the Sessions Court.

The Criminal Application is **disposed of** accordingly.

JUDGE

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