

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.458 OF 2023

**VAISHNAVI W/O. HANUMAN KAKADE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Patil Ramchandra S.
APP for Respondent/State : Mr. S.B. Narwade
...

CORAM : S.G. MEHARE, J.

DATED : MARCH 28, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is the wife of deceased. As per the FIR, on the day of the incident, the deceased came home drunkard. It has been alleged that when the deceased entered the room, the applicant locked the door from inside. However, the father got suspicion since the deceased did not snored. He found that the deceased was hanged to the hook. He cut the wire. The applicant herself informed the police. However in postmortem report, it was revealed that it was a case of strangulation. Therefore, the applicant being in the room as the wife has been arraigned as an accused.
3. Learned counsel for the applicant would submit that when she went away for urination, the deceased committed suicide.

So she immediately informed her in father-in-law and sister-in-law. They came and cut the wire to which he was hanged. Considering the weight of the deceased, it was impossible for her to hang after strangulation. The deceased came home wearing undergarments only and had injuries. She has been falsely implicated in the crime. She has no reason to kill her husband. The cause of death is suspicious. Hence, she may be granted bail.

4. Learned APP strongly opposed the application. He would submit that the applicant was the only person in the room where the incident happened. The postmortem report supports the prosecution case. It is purely a strangulation. The applicant pretended that it was a suicide, but it was a murder. The offence is serious. Hence, she may not be granted bail.

5. Perused the charge sheet. The statement of father-in-law and sister-in-law appears not consistent. But they are consistently saying that the applicant went for urination in the midnight and they learnt that the deceased was hanged to the hook in the room. Considering the facts and circumstances of the case and the nature of ligature marks, it would be difficult to accept concretely at this juncture that it was a strangulation. The question is whether she was physically able to hang the deceased. These are all the questions to be examined during the course of trial. In these peculiar facts and

circumstances of the case, it would be appropriate to release her on bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Vaishnavi w/o. Hanuman Kakade, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.212 of 2022, registered with Sirsala Police Station, Taluka Parli, District Beed for the offence punishable under Section 302 of the Indian Penal Code, on the condition that she shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)