

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1082 OF 2023

VIMALBAI @ IMALBAI W/O NAMDEV CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sandip P. Rathod
APP for Respondent : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 11-07-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant/ mother-in-law of the deceased is seeking bail in C.R.No. I-53 of 2023 registered with Police Station, Islapur, Taluka Kinwat, District Nanded, for the offences punishable under Sections 302, 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.
3. It has been alleged in the first information report that the husband of the deceased was addicted to liquor. Hence, he used to beat her and demand her money. Same way, the applicant was also ill-treating her. On the day of the incident, the deceased called

her mother and complained that her husband and mother-in-law consumed the liquor and beat her as she did not cook non-veg. On the next day, she was found dead.

4. The learned counsel for the applicant would submit that her sons took the deceased to the hospital. The applicant was also surprised at how the deceased died. They never ill-treated her or even not touched her any time. No weapon is used in the crime. She was treated well for about nine years after her marriage. Since she suddenly died, a false story of demand for money and killing her has been concocted.

5. Per contra, the learned A.P.P. for the State would submit that the offence is serious. The deceased, lastly, was in the company of the applicant. She had narrated ill-treatment to her mother. She had no reason to lie against her husband and mother-in-law. C.A. report is awaiting. The medical opinion has also been reserved. Considering the facts of the case and evidence against the accused, she may not be granted bail.

6. The incident admittedly happened in the house of the husband. The Postmortem report reveals that there were no external injuries on her person. The doctor did not opine finally about the cause of her death. The conduct of the husband and his brother in taking the deceased immediately to the hospital show their *bona fides*. Some of the neighbours have stated that the

deceased was suffering from an unknown disease. Considering the facts and material available on record in toto, the Court is of the opinion that the prosecution has no exact cause of death of the deceased that shows the nexus of the applicant with the alleged incident. Therefore, the applicant deserves bail. Hence, the order:-

- i) Bail application is allowed.
- ii) Applicant Vimalbai @ Imalbai w/o. Namdev Chavan be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No. I-53 of 2023 registered with Police Station, Islapur, Taluka Kinwat, District Nanded, for the offences punishable under Sections 302, 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, on the conditions that,
 - (a) She shall not tamper with the prosecution witnesses.
 - (b) She shall attend the police station as and when called by the Investigating Officer on written notice till filing the chargesheet.

**(S. G. MEHARE)
JUDGE**