

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

ANTICIPATORY BAIL APPLICATION NO.1768 OF 2022

**SHANTABAI W/O SHIVAJIRAO NOTKE
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Sudarshan J. Salunke, Advocate for Applicant
Mr. A. V. Deshmukh, APP for Respondents – State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 01st FEBRUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.338/2022, registered with Nanded (Rural) Police Station, Nanded, for offences punishable under Sections 302, 498-A r/w 34 of the Indian Penal Code.

2. FIR is lodged by Vishwanath Sambhaji Hunje, brother of the deceased Anuradha, stating that Anuradha's marriage with Sambhaji Notke (son of the applicant) was solemnized in the year 2011. Thereafter, she started residing with her husband and mother-in-law (applicant) in the farmhouse of landlord Kailas Dhoot at village Fatehpur, where her husband was employed as a labour on yearly basis. They were accompanied by their children i.e. one son and one daughter. Sambhaji Notke, husband of the deceased, was suspecting chastity of his sister Anuradha, he and the applicant

used to subject her to harassment out of said suspicion. Deceased Anuradha had informed her mother and the informant about ill-treatment at the hands of her husband and applicant, however, she was being pacified for cohabitation. Since Anuradha was fed up of the ill-treatment and suspicion, she left the matrimonial home and started residing at the parental home with informant. Thereafter, Sambhaji Notke visited the house of informant and took her back to their home after assuring that she would not be suspected and ill-treated. On 05/06/2022, informant received information from Shivaji Pawar that Anuradha has died. Then, he along with his parents visited the residence of his sister. They were informed that Anuradha had been taken to Government Hospital at Vishnupuri, Nanded. When they visited the said Hospital, they noticed that she had been injured by some object on her head and strangulated by some rope. Therefore, the informant realized that his sister Anuradha was murdered by her husband and present applicant.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. Charge-sheet is filed in the present crime on 03/09/2022. Applicant is shown as absconding. Learned advocate for applicant, on instructions, submits that after filing of charge-

sheet the case is committed to the Sessions Court and is numbered as S.C.C. No.193/2022 and on 17/10/2022 charge is already framed against accused No.1 Sambhaji Shivaji Notke.

5. On going through the investigation papers, it appears that nothing is to be recovered from applicant as the recovery is already effected from accused No.1. Applicant being woman, deserves protection. Pre-trial custodial detention of the applicant is not necessary in the facts of the present case.

6. In the result, application is allowed by confirming the interim order dated 23/12/2022. Applicant shall not tamper the prosecution evidence.

(NITIN B. SURYAWANSHI, J.)