



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

BAIL APPLICATION NO.2006 OF 2023

CHITRABAI @ SUBHADRA BHAGWAN SAKHALE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. D. P. Palodkar, Advocate for the Applicant.
Mrs. P. J. Bharad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 29th NOVEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.164/2023 registered with Ajintha Police Station, Tq. Sillod, Dist. Aurangabad for the offences punishable under Sections 302, 323, 504 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of information given by Rajaram @ Raje Gahenaji Sakhale, who alleges that on 05.07.2023 he was grazing his animals in his field and his elder brother Baburao was resting in his field near a Mango tree. At about 2.30 pm to 03.00 pm his another brother Bhagwan alongwith his sons and wife arrived in the field. They had altercation of words with Baburao. Thereafter, the accused persons raised attack on Baburao. Accused Bhagwan twisted scrotum of Baburao and thrashed him. It is further alleged that the sons of the Bhagwan namely Vishal, Akash and his wife Subhadra (present applicant) assaulted Baburao by fists and kicks blows. Consequently, he suffered serious injuries. He died on 07.07.2023 while under medical supervision. The investigation progressed on the basis of the aforesaid information. The

applicant came to be arrested on 01.08.2023. Her prayer for grant of bail has been rejected vide order dated 19.10.2023.

3. Mr. Palodkar, learned Advocate appearing for the applicant would submit that there is inordinate delay in lodging the FIR. Although incident took place on 05.07.2023, the FIR has been lodged on 08.07.2023. There is unexplained delay, which is fatal to case of prosecution. He would submit that role attributed against the applicant is omnibus in nature. By inviting attention of this Court to the contents of the postmortem report he would submit that no external injury corresponding to the allegation against the applicant could be noted. He would submit that there was civil dispute between the family of the deceased and the family of the accused. Therefore, all the family members are falsely implicated in the aforesaid crime. He would submit that the investigation in the matter is complete. The charge-sheet is filed. The applicant is a lady. Her further detention would not be necessary.

4. The learned APP strongly opposes the prayer for grant of bail. She would submit that there are specific allegations against the applicant. Her role cannot be separated from the role of the other accused persons. She would further point out that the medical evidence depicts that injuries on stomach of the deceased contributed in cause of death. She would further point out the conduct of the applicant that she was absconding from the date of registration of the FIR and could be arrested only after one month of the incident. As such, she opposes the prayer for grant of bail.

5. Having considered submissions advanced, apparently the contents of the FIR shows that accused no.1-Bhagwan is alleged to have twisted the scrotum of the deceased. The

postmortem report and specific opinion solicited from the concerned Medical Officer would suggest that cause of death is injury to the private part. Pertinently, there are no marks regarding the external injuries on the person of the deceased. The allegations regarding assault by the applicant and her sons are omnibus in nature. They were not holding any weapon in their hands. *Prima facie*, no specific motive is attributed against them. The applicant is behind the bar since the date of her arrest. The investigation in the matter is complete. In that view of the matter, further detention of the applicant would not be necessary. Hence, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Chitrabai @ Subhadra Bhagwan Sakale, be released on bail in Crime No.164/2023 registered with Ajintha Police Station, Tq. Sillod, Dist. Aurangabad for the offences punishable under Sections 302, 323, 504 r/w 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall attend each and every effective date of hearing before the Trial Court.
 - c. The applicant shall not indulge in criminal activity.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE