



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

BAIL APPLICATION NO.2131 OF 2023

**MANISHA @JAYASHREE W/O LAHU THORAT
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. P.P. More
APP for Respondents: Mr. A.S. Shinde.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 8 DECEMBER, 2023

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 182 of 2023 dated 26.4.2023 registered with Ausa Police station, Dist. Latur for the offences punishable under Sections 302, 323, 504 r/w. 34 of IPC.

2. The investigating was set in motion on the basis of information given by Smt. Punam Vyankat Patil, who alleges that since 2007 first wife of her husband resides separately. She has two children out of such wedlock. The dispute regarding partition of the landed property is pending between her husband and his first wife Kiskinda. It is alleged that on 26.4.2023, the accused persons arrived in the field at Gat No. 123, the accused Kiskinda and her daughter Jayashri were accompanied by son-in-law Lahu Janardhan Thorat. The accused Kiskinda raised quarrel with husband. She was questioning as to why

they are not allowed the plough the field. It is alleged that during altercation, accused Jayashri and Lahu Thorat caught hold hands of deceased (her husband) and the accused Kiskinda hit him with stone. Accused Jayashri inflicted injury on back of the deceased using the sickle and all accused persons gave him fist and kick blows. It is alleged that the deceased succumbed to injuries. On the basis of aforesaid information, the offence has been registered against accused persons. The applicant is arrested on 29th April, 2023. Her prayer for grant of bail has been rejected by the Sessions Court vide order dated 22.11.2023.

3. Mr. PP. More, learned advocate for the applicant would submit that admittedly, there is civil dispute between the applicant's mother, first informant and deceased. Referring to the allegations in the FIR, Mr. More, would point out that the allegations of giving fatal blow on head of the deceased is against Kiskinda Patil. The applicant is alleged to have caught hold the hands of the deceased. Further allegation levelled against her is that she gave a blow of chopper from blunt side on the back of the deceased. Referring to the contents of the inquest panchanama and post mortem report, he would submit that there was no corresponding injury on the back of the deceased. Further death is caused because of the head injury. The applicant is not attributed assault on the head of the deceased. He would further submit that the accused Lahu Janardhan Thorat is already released on bail by order of this court dated 21.9.2023 by recording elaborate reasons. He would therefore urge that the applicant be released on bail.

4. Mr. Shinde, learned APP vehemently opposes the prayer. He would submit that the applicant actively participated in commission of

offence. She aided her mother during the scuffle. She caught hold of the deceased and facilitated her mother who gave blow of stone on the head of the deceased. He would point out that the applicant has also hit on the back of the deceased and caused injury to the first informant. He would submit that role of the applicant cannot be segregated at this stage since all the accused persons were sharing common intention.

5. Having considered the submissions advanced, the contents of the FIR and the investigation papers made part of the charge sheet. Apparently, there is a civil dispute. The deceased is father of the applicant, First informant is her step-mother. Going by the allegations in the FIR, the main role is attributed against mother of the applicant i.e. Kiskindha Patil, who alleged to have hit the stone on the head of the deceased. The post mortem report suggests the cause of death to be head injury. The post mortem report suggests cause of death to be head injury. Although there is allegation that applicant hit chopper on back of the deceased, the corresponding injury is absent in the medical report. There is slight inconsistency in the narration given in the FIR and the medical evidence. The genesis of the prosecution appears to be shaky. The applicant is behind bars since 29.4.2023 i.e. more than 7 months. The investigation in the matter is complete. Charge sheet is filed. Further detention of the applicant would not be necessary. In that view of the matter a case is made out for grant of bail.

O R D E R

- (i) The application is allowed ;
- (ii) The applicant – Manisha @ Jayashrre w/o. Lahu Thorat, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one

surety in the like amount in connection with Crime No. 182 of 2023 dated 26.4.2023 registered with AUSA Police station, Dist. Latur for the offences punishable under Sections 302, 323, 504 r/w. 34 of IPC. , on the following conditions :-

- [a] The applicant shall not tamper with the evidence ;
- [b] The applicant shall attend each and every effective date of hearing before the trial court.
- [iii] The application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-