

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3399 OF 2022

Shobha @ Alka Nivrutti Kapse ...Applicant
V/s.
The State of Maharashtra and anr. ...Respondents.

Mr. Arvind Singh, Ms Anima Mishra, Angela Singha, Ms Kajal Upadhyay, Ms Ritu Singh i/b SBG Law for the Applicant.
Mrs.Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 06.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.120 of 2022 registered at Adgaon Police Station, Nashik for the offences punishable under Sections 302, 143, 144, 323 and 504 read with 149 of the Indian Penal Code.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent – State and perused the statement of eye-witness Somnath Kapse.
4. The deceased was the wife of the co-accused Vishal R. Kapse. The allegations against the present applicant and other co-accused are of murder. The incident appears to be outcome of matrimonial dispute.

5. According to the eye-witness, on the date of incident which took place on 16 May 2022, the co-accused Vishal Kapse assaulted the deceased by spade on her head. The cause of death is head injury. The eye-witness had further stated that the present applicant and other co-accused had assaulted the deceased by fist and kick blows. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 120 of 2022 registered at Adgaon Police Station, Nashik for the offences punishable under Sections 302, 143, 144, 323 and 504 read with 149 of the Indian Penal Code on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]