

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.6/2023

Sau. Harsha Pravin Mangle .vs. State of Maharashtra through PSO PS MIDC Akola,
Dist. Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J. Y. Ghurde, Advocate for applicant.
Mr. I. Damle, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.

DATE : JANUARY 18, 2023.

Heard.

2. This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested on 15.09.2022 in Crime No. 357/2022, registered with Police Station, MIDC, Akola for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

3. Briefly stated, the case of the prosecution is that there was a dispute between Shiva Kukade (since deceased) and Pravin Mangle (husband of the applicant). The learned A.P.P. submits that there occurred quarrel between Shiva and Pravin. The owner of the factory has terminated both of them. The crime has been committed on personal grudge. The informant has stated before the police that the victim when was lying in the bed in injured condition, has blamed Pravin for assault. The medical evidence indicates that the victim sustained multiple ante mortem injuries and he died

due to head injury. The iron rod, which is said to be used as a weapon of assault had been recovered at the instance of Prem alias Akash, the third accused. He is however released on bail by the learned Sessions Court vide order dated 23.12.2022.

4. Thus, what transpires is that the applicant's husband and the deceased had some dispute. Informant has named Pravin in the FIR. The injury has allegedly been caused by means of the iron rod. The accused, at whose instance, the iron rod came to be discovered has been released on bail. In this entire episode, the name of the applicant is conspicuously absent.

5. Learned A.P.P could not point out to the Court any admissible evidence that would implicate the applicant in the crime. He, however, submits that a witness namely Akash Sake has stated that he has seen these accused persons coming out of the compound, in which the quarter of the applicant is situated. On inquiry, he submits that there are in all seven quarters in the compound.

6. In the circumstance, merely on the basis of the statement of witness that he has seen three accused coming out of the compound will not be sufficient to prove complicity of the applicant with the crime. The applicant is a lady. No role has been attracted to her. On inquiry, learned counsel for the applicant submits that she has no antecedents. She is residing in the said locality for quite some time. Further, the

evidence placed against her is not sufficient to continue her incarceration. She can be put to appropriate terms to protect interest of the prosecution.

7. Resultantly, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Sau. Harsha Pravin Mangle, be released on bail, in Crime No.357/2022, registered with Police Station, MIDC, Akola for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code, on she furnishing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The Applicant shall, at the time of execution of bond, furnish her address and telephone/mobile number(s) to the Investigating Officer and the Court concerned and shall not change the residence till the final disposal of the case.
- (iv) The applicant shall regularly attend the court and cooperate the learned trial Court to complete the trial for the above offences. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.
- (v) The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(vi) The Applicant shall not leave the territory of Akola district without prior permission of the Court, till the trial is over.

(vii) The Applicant shall maintain law and order.

(viii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

(ix) The observations made in this order are prima facie in nature and are made for deciding the present application only. The learned Judge, who is seisin of the of the trial, shall not get influenced with the above observations.

The application is disposed of in the above terms.

(Anil L. Pansare, J.)

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