



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

CRIMINAL APPLICATION (BA) NO.755/2023

Sulabai Datta Jadhav Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. S.Sheikh, Advocate for applicant.
Mr. A. M. Kadukar, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.
DATED : 01/09/2023

1. The applicant seeks bail in Crime No.63/2023 registered with Police Station Darati, Tah. Mahagaon, District Yavatmal for offences punishable under Sections 302, 504 and 506 read with Section 34 of the Indian Penal Code on the allegation that she instigated co-accused whereby the deceased was murdered.
2. Heard learned counsel for the applicant and learned APP for the State. I have gone through the charge-sheet.
3. Perusal of the charge-sheet, it reveals that on the fateful day i.e. on 16.4.2023, deceased along with his family members including his wife – complainant went to the field which they claim, that it belongs to them. Finding the applicant and other co-accused in the said field, the deceased asked the applicant and other co-accused to leave the said field. After altercation, other co-accused Kundlik Rathod took out knife from his pocket and assaulted deceased towards right side of stomach; the other co-accused Pandit Rathod assaulted on the head of husband of the complainant by means of iron rod. Whereas the applicant was saying the co-accused to kill deceased and abuses

the deceased and his family members. On way to hospital, the deceased succumbed to injuries. Therefore, the aforesaid offence came to be registered against the applicant and co-accused.

4. From the above material available on record, it shows that role assigned to the applicant is that she instigated the accused and co-accused Kundlik Rathod and Pandit Rathod to kill the deceased and his family members. No assault is attributed to the present applicant. The applicant is lady. Investigation is completed and charge-sheet is already filed in the matter. The trial will take considerable time.

5. Considering the nature of allegations and role assigned to the present applicant, I think discretion of bail can be exercised. Hence, I pass the following order:-

ORDER

- (i) Application is allowed.
- (ii) The applicant – Sulabai Datta Jadhav be released on bail on her executing PR bond of Rs. 50,000/- (Rs. Fifty thousand) with one solvent surety in the like amount.
- (iii) The applicant shall not visit to the agricultural field where the alleged incident occurred.
- (iv) The applicant shall not induce, give threat and pressurize any witnesses, who are connected with the alleged crime.

(M.W. CHANDWANI, J.)

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