

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

CRIMINAL APPLICATION (BA) NO. 1485 OF 2022

Madhuri Sunil Vanjari vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. D.S.Pazare, Advocate for applicant.
Mr. V.A.Thakre, APP for respondent.

CORAM : ANIL L. PANSARE J.

DATE : 20/01/2023

This application is filed under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.). The applicant has been arrested on 05/04/2022 in Crime No. 210/2022 registered with Police Station, Tiwsa for the offence punishable under Section 302 of the Indian Penal Code (IPC).

2. The applicant is blamed of committing of murder of her husband. Briefly stated the case of the prosecution on the basis of First Information Report (FIR) and the statement of witnesses is that the deceased was applicant's husband. The deceased used to quarrel with applicant under the influence of alcohol. The harassment was a daily affair. On 05/04/2022, the deceased, under the influence of

alcohol again quarrel with her. The deceased beat the applicant with fists and blows and bit her finger. Frustrated by daily abuse and harassment, the applicant then retaliated. She tied her husband by means of nylon rope to an electric pole. She has allegedly tied legs and hands and then strangled him. It however, appears that there is no eye witness to the crime, but then the applicant herself has informed the said fact to her mother and others.

3. Learned APP submits that the evidence is overwhelming, however, the applicant being a lady, having no criminal antecedents, her case will have to be looked into sympathetically, particularly, considering the fact that she has suffered harassment everyday at the hands of deceased. The crime appears to have been committed under frustration. The applicant is not a habitual criminal. She has two sons aged about 8 and 10 years old. Learned counsel for the applicant submits that there is no one to take care of these two children. At present both are residing with their grandmother.

4. Considering the totality of the circumstances, no purpose will be served by keeping the applicant behind the bars. Though the charge-sheet is filed, the charges have not yet been framed.

The trial will take its own time to commence and conclude. Hence the following order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant – **Madhuri Sunil Vanjari**, be released on bail, in Crime No.210/2022, registered with Police Station, Tiwsa, District Amravati for an offence punishable under Section 302 of the Indian Penal Code (IPC) on she furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties 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 Amravati 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.

The application is disposed of in the above terms.

JUDGE