



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 BAIL APPLICATION NO. 216 OF 2024

1) Usha W/o Sunil Pol
2) Sneha d/o Sunil Pol
VERSUS
The State of Maharashtra

Advocate for Applicant : Mr. Abasaheb D. Shinde
APP for Respondents: Mr. Mukesh K.Goyanka

CORAM : SANJAY A. DESHMUKH, J.
DATED : 27th FEBRUARY, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Cr.P.C. in connection with crime No. 441 of 2023 registered with Kopergaon police station, District Ahmednagar for the offences punishable under Sections 302, 323, 504, 506 r.w. 34 of I.P.C. Their application with similar prayer bearing criminal bail application No. 488 of 2023 came to be rejected by the learned Additional Sessions Judge, Kopergaon, vide order dated 15.01.2024.

2. It is averred in the report that son of applicant No.1 Raj and her daughter Sneha, applicant No.2, assaulted Deepak Dada Gangurde in their village on 11.9.2023 at 4.45 p.m.. The prime accused Raj Pol assaulted him by the stone. Thereafter, these three persons caught hold Deepak and co-accused Anil Pramod Gaikwad assaulted on his head by wooden log. Thereafter, Deepak fell down and thereafter he

was taken to the hospital where doctor declared him dead. A report was immediately lodged.

3. Learned advocate for the applicants submitted that the applicants are women and they have been falsely implicated in the crime. Their role does not show that they have assaulted by any weapon to Deepak. They have been roped in the crime only because they are relatives of main accused. They are falsely implicated in the crime. Applicant No.1 is suffering from cancer and her papers of treatment are filed on record. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out the report, statement of witnesses, post mortem report and also panchnama of seizure of articles, like wooden log, clothes etc. He submitted that the applicants have caught hold Deepak which shows their role that the applicant had intention to kill him and co-accused Anil Gaikwad assaulted on his head by wooden log. Considering all these aspects, it is lastly prayed to reject the application.

5. Perused the charge sheet, particularly report and the statements of witnesses. The report and statements of witnesses show that these two applicants caught hold Deepak and thereafter co-accused Anil Gaikwad assaulted on his head by wooden log.

The applicants are women. They have roots in the society. They will not flee away from the trial. The trial will take a long period. Considering their role and the facts and circumstances of the case, it would be proper to release the applicants on bail on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicants in connection with crime No. 441 of 2023 registered with Kopargaon police station, District Ahmednagar for the offences punishable under Sections 302, 323, 504, 506 r.w. 34 of I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- each with one surety each of the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not enter into village Yesgaon, Tq. Kopargaon, district Ahmednagar for a period of one year from today.

(SANJAY A. DESHMUKH, J.)

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