



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 BAIL APPLICATION NO. 265 OF 2024

Mina Balu Vidhate

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Nitin V Gaware Patil, Mr. Z. H. Farooqui

APP for Respondents: Mr. P.P. Dawalkar

Advocate to assist the A.P.P. : Mrs. Sunita G. Sonawane

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 22nd MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 695 of 2023 registered with Ahmednagar Taluka police station, District Ahmednagar, for the offences punishable under Sections 302, 201, 120-B of the I.P.C. His application with similar prayer bearing criminal bail application No. 2-2035 of 2023 came to be rejected by the learned Additional Sessions Judge (Court No.4), Ahmednagar, vide order dated 19.01.2024.

2. The report is lodged against the applicant and her husband that they have committed murder of Latabai, who was mother of applicant, on account of earlier enmity. It is averred in the report

lodged by the husband of sister of the applicant, Anna Prabhakar Dhere, that he came to know from Shivaji Nivrutti Kale and his son Bapu Shivaji Kale, that on 31.8.2023 deceased Latabai mother of this applicant went to collect Rui leaves. That time, she told Shivaji Kale that she will make phone call to him. After the work of collection of Rui leaves was over, Latabai did not make phone call and therefore, Shivaji Kale went there. Latabai was not there in her agricultural land. Her spectacles and chappal were lying there near to the Rui tree. They took her search but she did not find. Thereafter, after 10 days of the incident, her dead body was found in Ganeshkhind in Junnar Taluka. Thereafter, report was lodged on 10.9.2023. The applicant and others were arrested.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. There is no eye witness to the incident. Only the mobile hand set is seized at the instance of the applicant. The applicant has roots in the society and there is no criminal antecedents. The post mortem report does not show any injury. He lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State and learned advocate to assist the prosecution have strongly opposed the application and submitted that the applicant is involved in serious crime of murder for

which death penalty or life imprisonment is likely to be awarded. The applicant has committed murder of old aged mother only because she has claimed maintenance from the applicant. The statements of witnesses are pointed out. The details of CCTV footage are also pointed out. There are recordings and call details showing the location of the applicant in that area. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly report and the statements of witnesses. The spot panchnama is silent as to how the wooden log is seized at the instance of this applicant. The applicant is a lady. She has roots in the society. No doubt, the applicant and her husband are accused in another case, however, without advertng to the merits of the case, the case is based on circumstantial evidence, the applicant has roots in the society, she will not flee away from trial, the trial will take a long period, considering all these aspects and the principle that the bail is rule and jail is exception, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

I. Application is allowed.

II. The applicant in connection with crime No. 695 of 2023 registered with Ahmednagar Taluka police station, District Ahmednagar, for the offences punishable under Sections 302, 201, 120-B of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicant shall not enter in the limits of Bolhegaon area, M.I.D.C. Ahmednagar, till conclusion of the trial.
- c) The applicant shall attend the trial regularly.
- d) If any breach of the above conditions is noticed, the trial court is at liberty to proceed for cancellation of bail without reference to this court.

(SANJAY A. DESHMUKH, J.)

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