



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

999 BAIL APPLICATION NO. 499 OF 2024

Shashikalabai W/o Balaji Jadhav

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Mr. Maniyar Irfan D

APP for Respondents: Mrs. Deepali S. Jape

.....

CORAM : SANJAY A. DESHMUKH, J.

DATED : 4th APRIL, 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. 30 of 2024 registered with AUSA police station, District Latur for the offences punishable under Sections 302, 323, 182 r.w. 34 of the I.P.C. Her application with similar prayer bearing criminal bail application No. 95 of 2024 came to be rejected by the learned Additional Sessions Judge, Latur vide order dated 28.3.2024.

2. It is averred in the report that Yogesh son of this applicant was demanding money frequently to her for drinking liquor as he was addicted to liquor. On the day of incident, i.e. on 28.1.2024, he tried to throttle his mother, therefore, her another son Sachin tried to rescue her but Yogesh was not hearing anything. Therefore, he took a rope and in order to control Yogesh, tied his neck and in that

attempt, Yogesh died.

3. Learned advocate for the applicant submitted that no any overt act is attributed to the applicant. The applicant is 47 years old woman. The investigation is over. The applicant has roots in the society, she has no criminal antecedents, she will not flee away from the trial, the trial will take a long period and the further custody of the applicant is not necessary. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime of commission of murder of her son Yogesh. Learned A.P.P. submitted that it is a case of death due to strangulation. It is lastly prayed to reject the application.

5. Perused the report and the papers of investigation. The report itself shows that Yogesh was overpowered in order to control him. Sachin, the co-accused who is another son of this applicant took a rope, dragged him and in that attempt he died. Considering the role of this applicant, she deserves to be released on bail on certain conditions. Hence, the following order.

O R D E R

I. Application is allowed.

II. The applicant in connection with crime No. 30 of 2024 registered with AUSA police station, District Latur for the offences punishable under Sections 302, 323, 182 r.w. 34 of the I.P.C. be released on bail on furnishing personal bond of Rs.15,000/- 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.

(SANJAY A. DESHMUKH, J.)

rlj/