



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

914 BAIL APPLICATION NO. 554 OF 2024

DAIVSHALA BHAGWAT NAGADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sudarshan J. Salunke.
APP for Respondent/State : Mr. Dipali S. Jape.

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CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 24th April, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.152 of 2023, registered with Beed Rural Police Station, District Beed for the offense punishable under Section 302 read with 34 of the Indian Penal Code.

3 It is averred in the report by this applicant, who is also informant, that her husband is found dead in the agricultural land of Pimpargavhan. During investigation, it was revealed that her husband Bhagwat was addicted to liquor and he used to treat her with cruelty and used to beat her for money to consume liquor. Therefore, she throttled him with the help of rope and committed his murder.

4 The learned counsel for applicant submitted that the applicant is 55 years old woman. She has no criminal antecedents. She is falsely implicated in the crime. The investigation is over. The trial will take long period. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the rope used for throttling the husband of applicant is recovered at her instance under Section 27 of the Indian Evidence Act. There is motive against the applicant that she was repented by the addiction of consuming of heavy liquor and demanding money for consuming liquor by her husband Bhagwat. There is strong evidence against this applicant. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses. There is no direct evidence against this applicant. The rope is seized. The custody of applicant is not necessary. The trial will take a long period. The applicant has no criminal antecedents. Considering all these aspects, the presence of this applicant can be secured for the trial. Therefore, the applicant is entitled for bail on the principle that bail is rule and jail is exception. The application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.152 of 2023, registered with Beed Rural Police Station, District Beed for the offense punishable under Section 302 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

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