



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 643 OF 2024

KASHIBAI W/O DHONDIBA RATHOD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Nitin S. Kadam
APP for Respondent : Mr. S. D. Ghayal
...

CORAM : S. G. MEHARE, J.

DATE : 10-06-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the State.
2. The applicant seeks bail in C.R.No.0204 of 2023 registered with Mukramabad Police Station, Taluka Mukhed, District Nanded, for the offences punishable under Sections 302, 324, 323, 506 read with Section 34 of the Indian Penal Code.
3. Learned counsel for the applicants submits that the applicants have not played any role. However, they have been falsely implicated in the crime being family members of the co-accused. There are no antecedents to their discredit. They are languishing in jail for sufficient period. The investigation has been completed. Nothing is to be recovered from them. Hence, they may be granted bail.

4. Learned A.P.P. for the respondent has strongly opposed the application. He read the first information report and pointed out that applicant Kashibai played an active role facilitating the co-accused to commit the murder by holding hand of deceased. Applicant Kalpana has played an active role by throwing chilly powder on the face of deceased. The offence is serious. They are family members, and therefore, there is possibility of tampering with the evidence.

5. Perused the chargesheet.

6. The first information report is lodged immediately. There are direct allegations against applicant Kashibai about her active role in facilitating the co-accused to commit the offence. However, the role attributed to applicant Kalpana appears to have been played after the assault was made on the deceased. Considering the role attributed against her and the investigation, she may be granted bail. However, the role attributed to applicant Kashibai to commit crime does not deserve her bail. Hence, the order:-

ORDER

- i) Bail application is partly allowed.
- ii) Applicant No.1 Kashibai w/o. Dhondiba Rathod has been refused bail.
- iii) Applicant No.2 Kalpana @ Shama d/o. Dhondiba Rathod be

released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above mentioned crime for the aforesaid offences, on the conditions that,

- (a) She should not tamper the prosecution witnesses.
- (b) She should attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE

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