



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 841 OF 2024

Sunita W/o Ulferao Shinde
VERSUS
The State Of Maharashtra & Anr

- Mr. V. D. Karande a/w Mr. M. J. S. Granthi, Advocate for the Appellant
- Mr. P. K. Lakhotiya, APP for the Respondent/State
- Mr. W. A. Shaikh, Advocate for the Respondent No. 2

CORAM : R.M. JOSHI, J
DATE : OCTOBER 21, 2024

PER COURT :

1. Appellant is seeking bail in connection with C.R. No. 28/2024 registered with Kurunda Police Station, Dist. Hingoli for the offences punishable under Sections 302, 120-B, 143, 147, 148, 149, 504, 506, 109, 114 of the Indian Penal Code and Sections 3(2)(5) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. First information report lodged by Vilas Patil indicates that the Appellant along with co-accused used to wreak up quarrels with the people with contention that slum situated on the land owned by them. They used to threaten people to vacate the premises in lieu of

the same used to demand money. Number of offences are registered against them.

3. On 24.01.2024 at about 08.00 am while informant was present just outside his house, present Appellant and co-accused came to the spot i.e., to the house of the Rahul (deceased). They threatened him for vacating the premises and also abused him. It is stated that the Appellant had slapped him and given threats to kill him. Thereafter, at around 11.00 am informant and others went near the hotel of one Gani Bhai. At that time, Rahul was found at the said spot. When Rahul proceeded towards Bank, witnesses has found present Appellant and co-accused around the said place. He also noticed that Anil abused Rahul and instigated co-accused to cause assault on him. There is specific mention that the present Appellant and her son Krushna caught-hold Rahul and accused Kanhaiya Shinde has assaulted Rahul with dagger on his neck. In the said incident, Rahul sustained serious injuries and was declared dead before admission in the hospital.

4. Learned Counsel for the Appellant submits that Appellant is lady aged about 45 years. It is his

submission that it is not the case of the prosecution that Appellant has caused injury to the deceased with any weapon. It is submitted that no knowledge can be attributed to the Appellant of alleged assault caused by co-accused on the deceased. Bail is also sought on the ground of Appellant is lady.

5. Learned APP and learned Counsel for Informant opposed the Appeal by drawing attention of the Court to the fact that from the evidence collected during the course of investigation it can be seen that the Appellant herein was sharing common intention with the co-accused to kill deceased. They drew attention of the Court to the statements of eye witnesses who have in no uncertain terms stated about Appellant facilitating co-accused to cause assault on deceased. It is his submission that the incident of assault was preceded by the incident in which present Appellant had slapped deceased and also threatened to kill him. They further submit that merely because Appellant is lady, she may not get bail if her involvement is found in the serious crime like murder.

6. This is not the case wherein Appellant is not

directly involved in the assault. There is overt-act committed by the Appellant of caught-hold of the hand of the deceased. As rightly pointed out by learned APP that common intention can be gathered from the said act. This is not the case that some incident had occurred at the spur of moment. Previous incident occurred at around 08.00 am indicates that threats given at the time of first incident are materialised immediately within a period of three hours. Presence of Appellant with co-accused and more particularly overt-act of the Appellant does not entitle her for bail. Record indicates about there are four offences registered against Appellant.

7. Considering the criminal history behind Appellant, this Court finds substance in the contention of learned APP that the possibility of interference in the evidence is not ruled out. He drew attention of the Court to the fact that co-accused against whom lessor role was assigned in crime are enlarged on bail, however, they are threatening the witnesses. All these facts clearly show that this is not the case for grant of bail.

8. In view of above discussion, there is no merit in the Appeal. In the result, Appeal stands dismissed.

(R.M. JOSHI, J.)