



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 1490 OF 2024
WITH
CRIMINAL APPLICATION NO. 3786 OF 2024
IN BA/1490/2024

JYOTI PRAKASH DHOBI @ SURYAVANSHI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Bhushan Mahajan.
APP for Respondent/State : Mr. G. O. Wattamwar.
Advocate for Informant to assist APP : Mr. U. S. Patil.
...

CORAM : S. G. MEHARE, J.
DATE : 13.09.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the informant.
2. The applicant seeks bail in Crime No.242 of 2024, registered with Dharangaon Police Station, District Jalgaon, for the offence punishable under Section 302 of the IPC.
3. The prosecution has a case that the husband of the applicant was physically challenged. He could not walk. Hence, he was using tricycle. The applicant was not happy with the marriage. Since beginning, she was abusing and harassing the

deceased. Her character was also not good. On the day of the incident, the applicant and deceased were seen together going towards the Munjoba temple. Thereafter, she create a seen that her husband/deceased alone left home to go to the temple. Then, the relatives of the deceased went to search the deceased. He found floating in the well. On these allegations, the crime was registered against the applicant.

4. Learned counsel for the applicant would submit that there is inordinate delay in lodging the FIR. She pulled her marriage happily with the deceased for more than 12 years. In this period, there were no complaints against the applicant that she was not treating the deceased well and her character was not good. Immediately, on the same day, the A.D. was registered. Police drew spot panchnama. The dead body was taken to the hospital where he was declared dead. She performed his post death rituals. She never flee away from her house. However, with ill motive, the uncle of the deceased had lodged a false report and she has been arrested. She has two children. Nobody is there to look after them. The material investigation has been completed. No weapon is allegedly used in the crime. Therefore, she may be granted bail.

5. Learned APP and learned counsel for the victim would submit that there are witnesses seen the applicant lastly in the company of the deceased. After pushing him in the well, she created a scene that she does not know where her husband gone. She was crying loudly saying that her husband did not return home. However, it was transpired that she was the author of the crime. She pushed the deceased into the well. The motive is obvious that she did not like the deceased being physically challenged. The offence is serious. Hence, she may not be granted bail.

6. Perused the papers. Admittedly, the FIR is delayed. Immediately on the same day of the incident, A.D. was registered. The spot panchnama was drawn. However, spot panchnama does not show the tricycle near the spot of the incident or nearby places. The well was near the Munjoba temple in the field of one Govind Shalik Patil and the temple was situated in the field of one Anil Patil. She performed his post death rituals. No weapon is used in the crime. Evidence collected against him is balanced. The material investigation has been completed. She has two children and nobody is there to maintain there. She has no antecedents to her discredit.

Therefore, the Court is of the view that her detention would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **JYOTI PRAKASH DHOBI @ SURYAVANSHI** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) She should attend the Police Station as and when called on written notice by the Investigating Officer till filing the charge sheet.
- (iii) Criminal application No.3786 of 2024 stands disposed of.

(S. G. MEHARE, J.)

...

vmk/-