

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2332 OF 2024

Kusum Shahaji Waghmare

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Jaydeep D. Mane, Advocate for Applicant.

Mr. Pankaj P. Deokar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 28th NOVEMBER, 2024

PG:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 28 of 2024 registered with Pandharpur, Police Station, Dist. Solapur, Gramin for the offences punishable under Sections. 302 and 201 r.w 34 of the Indian Penal Code, 1860.
- 3) The allegation against the applicant is that she committed murder of her husband. Whereas, the motive which tried to bring on record by the prosecution is prima-facie improbable i.e the applicant has illicit relations with her brother and as the deceased got the knowledge of the

same, he informed the same to his brother and since the deceased became hurdled in their relation, the applicant eliminated him.

4) From the charge-sheet, it is evident that applicant took the deceased immediately to the hospital and after two days the deceased died. The case is based on the circumstantial evidence and there is no direct evidence to prima-facie show the complicity of the applicant in the offence.

5) As I have already recorded that the motive appears to be improbable and since the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not necessary. Moreover, the applicant is a lady.

6) In the circumstances, though the learned APP has strongly opposed the application, I pass the following order.

ORDER

- (i) The Bail Application is allowed;
- (ii) It is directed that the Applicant shall be released on bail in connection with Crime No. 28 of 2024 registered with Pandharpur, Police Station, Dist. Solapur, Gramin for the offences punishable under Sections. 302 and 201 r.w 34 of the Indian Penal Code, 1860., on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- (iii) The applicant shall attend the said Police Station on 1st day of every month between 10.00 a.m to 11.00 a.m., till the conclusion of the trial except on the date of trial;

(iv). The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

(v). Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

(vi). The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]