



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.1088 OF 2023
(Smt. Shubhangi w/o Raj Jadhav Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A. Deshpande, Advocate h/f Mr. P.R. Agrawal, Advocate for the applicant.
Ms S. Kolhe, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 28, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 09/09/2022 in connection with Crime No.606/2022 registered with Police Station Frezarpura, Amravati, District Amravati for the offence punishable under Section 302, 498-A read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Sangita Narendra Wankhade wherein it is alleged that on 07/09/2022 she and her sister has attended the funeral of their maternal aunt at Shendurjana Ghat and they left for Amravati on 08/09/2022, on the same day the complainant attempted to contact the deceased on her mobile phone however, she could not contact and thereafter at 6.00 p.m. her phone was received by the daughter of the deceased who informed that her mother is no more and shifted to Irvin

Hospital, Amravati. Thereafter she visited the Irvin Hospital wherein she came to know that there used to a quarrel between the present applicant and other family members and the deceased on the domestic reasons. They were not treating her well and on the earlier night there was a quarrel between the deceased and the present applicant and other family members and on the second day she was found dead in the house. On the basis of said information, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the nature of the evidence is concerned which is circumstantial in nature. Except the circumstance that there was no good relationship between the deceased and the present applicant, there is no other material to connect the present applicant with the alleged offence. The deceased and the present applicant were residing in the same house but in different rooms. The deceased was found dead in the room which was allotted to her. Except the recovery of two iron rods, one scarf, one wooden stick and one cloth, no other material is collected by the investigating agency to show the connection of the present applicant with the alleged offence. Now, investigation is completed and charge-sheet is filed. The applicant is having small child of one and half year who is completely dependent upon the applicant. Considering the circumstances under which the alleged incident has taken place and there is no material to connect the present

applicant except the recovery under Section 27, the applicant shall be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the death of the deceased is caused in the house wherein the applicant is also residing. The cause of death of the deceased is head injury. The deceased and the applicant are residing in the same, there is no explanation regarding how the death of the deceased is occurred in the house. The statements of the witnesses show that there was previous quarrel between the deceased and the present applicant on the earlier day i.e. on 08/09/2022 at about 11:00 a.m. and thereafter the alleged incident has taken place. Thus, there is ample evidence to connect the present applicant with the alleged offence and prays for rejection of the application.

5. I have heard learned Counsel appearing for both the parties. Perused the investigation papers. The material on record shows that deceased was residing along with her daughter in a separate room and present applicant is residing along with the co-accused Chandrakala Murlidhar Sadanshive who is mother-in-law of the deceased. The allegations against the present applicant and the co-accused Chandrakala is of a similar nature that there used to be a quarrel between the present applicant as well as Chandrakala and the deceased. Said Chandrakala is already released on bail by this Court. Considering the

similar role attributed to the present applicant, the application of the present applicant requires to be considered. The statement of the neighbours shows that on 08/09/2022 at about 11:00 a.m. there was a quarrel between the deceased, present applicant and the co-accused Chandrakala and Aditya and Yash who are sons of another sister of the present applicant and thereafter immediately the daughter of the deceased disclosed that her mother has consumed poison. Thus, except this statement, there is no other material to show that there was some act on the part of the present applicant regarding the assault on the deceased. There is no dispute as to the fact that the death of the deceased is caused due to the head injury. Now, the investigation is already completed and charge-sheet is filed. Considering the nature of the evidence which is circumstantial in nature and considering the fact that the applicant has a small child and no direct evidence is available. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Smt. Shubhangi w/o Raj Jadhav in connection with Crime No.606/2022 registered with Police Station Frezarpura, Amravati, District Amravati for the offence punishable under Section 302,

498-A read with Section 34 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.50,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not leave the jurisdiction of Amravati District without prior permission of the District Court.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*