



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

CRIMINAL APPLICATION (BA) NO. 179 OF 2024

SAU. CHANDA W/O SACHIN NICHAT

Vrs.

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

Shri P. V. Navlani, Advocate for applicant.
Shri S. S. Hulke, A. P. P. for respondent-sole.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 29/02/2024.

1. The applicant came to be arrested on 13/01/2024 in connection with Crime No.32/2024 registered under Sections 302, 307, 326, 294 and 323 r/w Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Gajanan Gaikwad, who alleged that the deceased is his niece and she is residing along with her son at Yashoda Nagar for working on Petrol Pump and on 12/01/2024 at 9.35 p.m., he received a message that deceased had sustained head injury and the land-lord has shifted her in the hospital. Immediately, he rushed to the hospital and enquired with the injured that he came to know that the co-accused Ashish Nichat has assaulted her by means of iron rod. On the basis of said report, police have registered the crime against the present applicant and other co-accused.

3. Shri Navlani, learned counsel for the applicant submitted that as far as the role of the present applicant is concerned, which to the extent that after the incident, she has taken rod from the hand of the co-accused and kept it aside. From this, it can be ascertained that the rod was taken by the present applicant only with an intention that the co-accused shall not repeat the blow by assaulting the deceased. Now, investigation is practically completed and charge sheet is filed. Considering the role of the present applicant, she be released on bail.

4. Learned APP strongly opposed the application on the ground that in furtherance of common intention, the co-accused have assaulted and present applicant has assisted him. The death of the deceased is caused due to blow by the rod. Considering prima facie material, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. The role of the present applicant is only to the extent that she has taken out the rod which was in the hands of the co-accused. Now, the incriminating article is already seized. The investigation is already practically completed. Further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order :-

ORDER

- i] The application is allowed.
 - ii] The applicant - **Sau. Chanda w/o Sachin Nichat** be released on bail in connection with Crime No.32/2024 registered under Sections 302, 307, 326, 294 and 323 r/w Section 34 of the Indian Penal Code, on executing P. R. Bond of Rs.25,000/- with one solvent surety of the like amount.
 - iii] The applicant shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case.
6. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]