



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2034 OF 2024

Jyoti w/o. Santosh Saraf,
Age 26 Years, Occu. Household,
R/o. Mangalwara, Hingoli,
Taluka and District Hingoli.

... Applicant

Versus

1. The State of Maharashtra
Through Superintendent of Police,
Hingoli, Taluka and District Hingoli.
2. The Investigating Officer,
Through Hingoli (Rural) Police Station,
Taluka and District Hingoli.

... Respondents

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Mr. D. M. Shinde, Advocate for the Applicant
Mr. V. M. Jaware, APP for the Respondent-State
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 07.01.2025

Pronounced on : 08.01.2025

ORDER :

1. This is a regular bail application in consequence to crime bearing no. 0199 of 2024 registered at Hingoli Rural Police Station, District Hingoli for offences under Sections 302, 201 r/w 34 of IPC.

2. In support of relief, learned counsel submitted that applicant is a lady and there are allegations that she and two other accused committed murder of her husband. According to learned counsel, there is delayed reporting of occurrence. Learned counsel further pointed out that there is no direct evidence in support of such accusations. According to him, there are statements of only interested witnesses. There was matrimonial discord between deceased and present applicant, who are husband and wife, and at the time of incident, applicant was put up at her parents' place. Deceased had come there and he used to harass her. That, during entire investigation, specific role of applicant is not clear. He pointed out that mere blood stained clothes of victim cannot be said to be in incriminating evidence as, according to him, there was blood splashed over the entire vicinity of the spot, which was a room. He pointed out that there is allegation of assault by use of axe, but by other accused. That, as regards to present applicant is concerned, there are no allegations of use of any article or weapon or facilitating the assault. It is pointed out that deceased used to suspect fidelity and therefore present applicant wife was staying with her father. He pointed out that, Police Patil and other independent witnesses make vague allegations about brother-in-law killing brother-in-law and no role is

attributed to present applicant. Lastly, learned counsel submitted that applicant has children of tender age and one of them is breastfed baby. Hence, as applicant is behind bars since May 2024, learned counsel prays for relief of regular bail.

3. While opposing the above application, learned APP pointed out that serious crime is committed. Applicant wife, along with her father and brother, committed brutal murder of husband in their own house. There are allegations of extra marital affair. There is evidence about meetings being held to give understanding to present applicant wife. That, however, she repeatedly left the company of husband and went to her parents' place to continue her such previous relations. Learned APP pointed out that deceased had been to their house and therefore, he was done to death by assaulting by means of axe. Learned APP pointed out that clothes of present applicant wife carry blood stains confirming her presence and involvement. Resultantly, it is his submission that considering the gravity of the offence, relief as prayed may not be granted.

4. After considering the above submissions and on going through the FIR dated 07.05.2024, informant seems to be nephew of deceased Santosh, who was married to present applicant, and they also seem to

have children of tender age. Substance of the FIR is that, deceased Santosh resided at village Mangalwara Bazar, taluka and district Hingoli. Maternal house of present applicant wife seems to be at village namely Mauje Borala, taluka and district Hingoli. There are allegations that present applicant allegedly had illicit relation with one Manish, resident of Mangalwar Bazar. In that regard, understanding was given to present applicant several times but she allegedly continued her such relations and since 15 days prior to the incident in question, applicant had been to village Borala at her maternal house. When her husband Santosh allegedly went to meet her, he seems to have met homicidal death on the intervening night of 07.05.2024 and 08.05.2024 i.e. on account of multiple injuries on head and neck due to sharp and hard object. *Prima facie*, spot of incident seems to be house of father-in-law of deceased and he as well as his son (brother-in-law of deceased) are also accused in this case. Considering such spot and timing of occurrence, it is unreasonable to expect other independent, direct evidence. Investigating machinery seems to have seized blood stained clothes of all three accused including present applicant. Axe allegedly put to use also seems to be seized. Applicant is behind bars since May 2024 and though applicant is said to have small children, including a breastfed baby, and though charge sheet is filed, considering the nature of offence and the quality

of evidence, this Court is not inclined to grant bail at this stage at least. Hence, the following order :

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]

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