

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

**INTERIM APPLICATION NO.2930 OF 2024  
IN  
CRIMINAL APPEAL NO.799 OF 2024**

Ashwini Shrikant Yalgonde .... Applicant

versus

State of Maharashtra .... Respondent

.....

- Mr. Viresh Purwant a/w Fareha Rizvi a/w Suraj Gadkari,  
Advocate for Applicant.
- Mr. Arfan Sait, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL &  
S. M. MODAK, JJ.  
DATE : 06<sup>th</sup> JANUARY, 2025**

**P.C. :**

1. This is an application for bail pending final disposal of the Appeal No.799 of 2024 preferred by the Applicant. The Applicant was the original accused No.1 in Sessions Case No.250/2021 before the Additional Sessions Judge, Solapur. The learned Judge vide the Judgment and Order dated 07/06/2024 convicted the Applicant and the original accused No.2

Vijaykumar Patil for commission of offence punishable u/s 302, 201 r/w 34 of the Indian Penal Code. The major sentence imposed on them was imprisonment for life besides imposition of fine. The third accused was acquitted from those charges.

2. Heard Mr. Viresh Purwant, learned counsel for the Applicant and Mr. Arfan Sait, learned APP for the State.
3. The prosecution case is in respect of the murder of the Applicant's husband Shrikant Yalgonde. The prosecution case is that the Applicant had married her husband Shrikant on 05/10/2012. They were blessed with a son and a daughter. The deceased was addicted to liquor and was harassing the Applicant. Because of this harassment, the Applicant, who was the accused No.1 along with other two accused committed Shrikant's murder by assaulting him with screw driver, plate of fan and a belt. Initially, ADR No.97/2021 was registered and subsequently C.R.No.444/2021 was registered at Vijapur Naka police station. The investigation was carried out. The charge-

sheet was filed and the case was committed to the Court of Sessions.

4. During trial, the prosecution examined 12 witnesses. Some of them were the police witnesses. The P.W.2 and P.W.3 were the police witnesses, who were informed on 31/08/2021 that bad odour was emanating from the Applicant's house. The police entered the house. They saw the Applicant and her children sitting on the cot. Her husband was found to be unconscious. He was taken to civil hospital Solapur. But he was declared dead.

5. P.W.4 Sachin Birajdar had deposed that about 20 days prior to the incident, the Applicant had told this witness's father that there was a quarrel between the Applicant and her husband.

6. P.W.5 Siddharam Kamgonde is an important witness. He has deposed that on 30/08/2021, the Applicant herself had

called this witness and had told him that Shrikant had fallen down and was not making any movement. Next day this witness went there. At that time, he came to know that the Applicant's husband was murdered.

7. P.W.6 Mahesh Yalgunde has deposed that the deceased had expressed suspicion about the Applicant's character and he had told this witness that the Applicant used to pick up quarrels with him.

8. Thus, there are no eyewitnesses to the incident. But the incident was within the special knowledge of the Applicant as the dead body was found in the house of the Applicant and the deceased. The post-mortem notes show that the deceased had suffered 21 injuries. Most of them were finger nail abrasions, which would indicate struggle before his death. There were three injuries on the head and the cause of death was mentioned as head injury. The injuries were said to be possible by a screw driver, ceiling fan holder and plate of fan. The Medical Officer

P.W.10 answered that there were 21 injuries on the dead body and it was not possible that they could be caused by one person. at this stage, it is significant to note that the co-accused Vijaykumar who was alleged to be her associate and who was also convicted for the same offence was granted bail by another Division Bench of this Court (Coram : Revati Mohite Dere & Prithviraj K. Chavan, JJ.) vide the order dated 04/12/2024 in Interim Application No.3430 of 2024 in Criminal Appeal No.933 of 2024.

9. Thus, it can be seen that no special weapon viz. knife or any other weapon used for cutting or stabbing was used in this case. Murder weapon allegedly was screw driver and plate of fan. There does not appear to be preparation. Thus, we find force in the submissions of learned counsel for the Applicant that it may not amount to the offence of murder, but it could be a lesser offence as it has occurred without possible premeditation. Though, the learned counsel did not claim parity for releasing the Applicant on bail, on the basis of the bail order

passed in favour of the co-accused, it is still an important circumstance because the Medical Officer has stated that those injuries could not be caused by a lady alone. In this view of the matter, considering that the Applicant is a 27 year old woman with two small children and also considering the fact that she is in custody since 08/09/2021, we are inclined to grant bail pending her Appeal.

10. Hence, the following order :

**ORDER**

- (i) During pendency and final disposal of the Criminal Appeal No.799 of 2024, the Applicant is directed to be released on bail on her furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)