

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.5035 OF 2024

Deepa Rajesh Thakur

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. Zeeshan Khan, Advocate for Applicant.
- Ms. Shilpa K. Gajare-Dhumal, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Khan, learned Advocate for Applicant and Ms. Gajare-Dhumal, learned APP for Respondent.
- 3.** Applicant is indicted under Sections 302, 307 and 34 of the Indian Penal Code, 1860. There are 4 Accused in the present case. The victim is the brother of Accused No.2. Applicant is Accused No.1. Accused No.3 is son of Accused Nos.1 and 2.
- 4.** *Prima facie*, if the crime is seen, it is a very gruesome. Victim who is the real brother of accused No.2 has suffered 8 serious grievous injuries. The First Informant is wife of the victim.
- 5.** Mr. Khan would submit that because of the property dispute between two brothers (victim and accused No.2 – Applicant) the alleged quarrel took place resulting in the fatal attack. In so far

present Applicant is concerned, the role attributable to Applicant in the crime that she put chilly powder in the eyes of the victim before accused Nos.2 and 3 inflicted hammer blows on victim's head leading to his death.

6. Mr. Khan would draw my attention to the post-mortem report on page No.217 of Application and submit that allegation of prosecution as per the First Information Report (for short '**FIR**') that Applicant put chilly powder in the eyes of the victim is unfounded because there is no such observation whatsoever reflected in the Medical Report.

7. He would fairly concede the fact that present Applicant was present at the time when the incident occurred but there is no role attributable to her as to what transpired on the day of the incident leading to fatal attack. He would persuade the Court to consider that Applicant has suffered incarceration for a period of 2 years and 7 months and she being a woman her case be considered for grant of bail.

8. *Prima facie*, from the post-mortem report, it is seen that deceased -victim suffered 8 grievous injuries on his head and body on account of he being assaulted by accused Nos.2 and 3 who are husband and son of Applicant.

9. Considering the role of Applicant, Application shall be heard

on the next adjourned date. Prosecution shall take appropriate instructions and apprise the Court accordingly.

10. List the Application on **12th March, 2025**. To be placed on 'Supplementary Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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