

CNR No. MHBI010009812023

ORDER BELOW BAIL APPLICATION EXH.NO. 4
IN SESSIONS CASE NO.30 OF 2023

State of Maharashtra
Versus
Shital w/o Pandurang Chavan

1. This is a successive bail application filed by applicant/accused namely Shital w/o Pandurang Chavan for seeking to release her on bail. This bail application is filed after filing of charge-sheet on the ground of change in circumstances. She has prayed for regular bail in Sessions Case No.30 of 2023 (Crime No.551 of 2022 registered with Georai Police Station. Accused is charge-sheeted for the offence punishable under Section 302 of the Indian Penal Code.

2. Prosecution's case in short is that, informant namely Nilabai Rajabhau Chavan lodged report with police that deceased Pandurang was her son. His marriage was performed with applicant on 14/10/2022. On 07/11/2022 at about 8.00 p.m. after dinner applicant and Pandurang went in the room to sleep and informant and her husband slept in front of their house. At about 10.30 p.m. applicant came out of house shouting, therefore, informant and her husband woke-up. Applicant told them something is happened with Pandurang and he did not speak. Informant and her husband entered in the room and noticed that, their son Pandurang was lying unconscious. Thereafter, Pandurang was taken to Civil Hospital at Georai and doctor declared him as dead. It is alleged that, applicant has committed murder of Pandurang by pressing his neck. On the basis of the said report said crime is come to be registered at Georai Police Station, Dist. Beed. Assisstant Police Inspector P.P. Sabale carried out the investigation of this crime and after completion of investigation he filed charge-sheet in the Court of Judicial Magistrate First Class at Georai,

Dist. Beed. Thereafter, said case is committed to this Court and it is pending before this Court. Applicant is arrested on 12/11/2022 and since then she is in Jail.

3. It is contention of applicant that, she is innocent and has not committed any offence as alleged. She is falsely roped in this crime. As charge-sheet is filed, there is no possibility of hampering the process of investigation. There is delay of five days in lodging the report. It creates doubt in the story of prosecution. The deceased was able bodied and stout. It is very impossible to cause the death at the hands of one lady. During the investigation nothing has been transpired against the applicant as well as it is also not transpired the manner of alleged incident by means of which equipment the murder has been committed. The investigation is completed and police have submitted charge-sheet in the Court. All the prosecution witnesses are nearest relatives of the informant, therefore, there is no possibility of tampering the evidence of prosecution. Applicant is a female having movable and immovable property at her natives, therefore, there is no question of her abscondance. Applicant is ready to abide by the conditions if imposed by this Court. On the above said grounds, she prayed to grant this application.

4. By filing say at Exh. 8 Ld. P.P. resisted the application and strongly raised objection to grant this application. He submitted that, there is a strong prima facie evidence against the present applicant. There is active participation of the present applicant in the present crime. If the applicant is released on bail then she will pressurize the complainant and witnesses. If the applicant is released on bail then she will tamper prosecution evidence. Offence is of serious nature. Punishment for offence levelled against the applicant is death or life imprisonment. Mere filing of charge-sheet is not change in circumstances of the case. Prosecution is ready to conduct the trial as early as possible. Considering the gravity and seriousness of the offence he prayed for rejection of this application.

5. By filing affidavit at Exh. 10 informant resisted the application and strongly raised objection to grant this application.

6. Heard Ld. Advocate Shri. V.S. Sanap for the applicant, Ld. Advocate Shri. S.A. Abuj for the informant and Ld. P.P. Shri. A.D. Rakh for the State.

7. It is submitted by the Ld. Advocate for the applicant that, deceased was young and stout having age of 22 years and the applicant is of 19 years. As per the story of prosecution applicant has committed murder of deceased by pressing his neck the deceased would have resisted and in such attempt of resistance applicant would have injured and such resistance marks were not found on the body of the applicant with negated the allegation against her of committing murder of husband. He further submitted that, there is no connecting authentic evidence against the applicant. Submissions made by the Ld. Advocate for applicant are required to be tested during the trial.

8. Investigation of the present crime is completed and police filed charge-sheet against the applicant. Case is committed to this Court. Investigation of this crime is completed, therefore, there is no possibility of tampering of evidence by the applicant. Applicant is a young woman having age of 19 years. Applicant is charged for committing murder of her husband, therefore, after releasing on bail she will not reside at village Nipani Jawalka Tanda and after releasing on bail she might be reside at her father's village Polyachiwadi. Therefore, there is no possibility of pressurizing the informant and witnesses by the applicant. There is no possibility of her absconding after releasing her on bail. There is no any document to show that, applicant is having criminal antecedents. There is a delay of five days in lodging the report with the police. Applicant is ready to abide the conditions if imposed by this Court and also ready to attend the Court regularly for trial. The trial of this case will take time. It is not just and

proper to keep young woman behind the bar for uncertain period. In the circumstances, I am of the opinion that, applicant is entitled for bail by imposing certain conditions. Hence, the following Order.

:: O R D E R ::

- 1) The application for regular bail is hereby allowed.
- 2) Applicant namely Shital w/o Pandurang Chavan be released on bail in Sessions Case No.30 of 2023 (Crime No.551 of 2022 registered with Georai Police Station) for the offence punishable under Section 302 of the Indian Penal Code on her executing personal bond of Rs.50,000/- (Rs. Fifty thousand only) with one solvent surety in the like amount, on the following conditions:
 - i) Accused and surety shall submit their authentic identity proofs and authentic address proof.
 - ii) Accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
 - iii) Accused shall furnish her recent mobile phone number.
 - iv) While releasing the applicant from the Jail the Jail Authority to follow all necessary guidelines issued by the Government in respect of Covid-19.
- 3) Inform the Jail Authority accordingly.

Date : 23/03/2023.
Beed.

(S.T. Doke)
Additional Sessions Judge,
Beed.

C E R T I F I C A T E

I affirm that the contents of this PDF file are word to word as per original Judgment/order.

Sd/-
(R.K. Sawant)
Stenographer Grade-I
District Court-5 & Addl. Sessions Court,
Beed.

Dictated on : 23/03/2023.
Transcribed on: 23/03/2023.
Checked & signed on: 23/03/2023.