

Sessions Case No.99/2018

The State of Maharashtra
-versus-
Ranjana Ashok Dhanka (Accused No.4)

Order Below Exh.22

Accused has sought bail under Section 439 of Cr.P.C. in connection with Crime No.39/2018 registered with Shirpur Taluka police station for the offences punishable under Sections 302,323, 504, 506,34 of IPC.

02. Brief facts of the prosecution case are as under;

On 04-05-2018 informant Dhanraj Dhanka lodged FIR. Deceased Rajan Dhanka was cousin of the informant. He and accused No.1 Pankaj used to work in Surat Municipal Corporation. Pankaj is married with Sonu. Pankaj alleged that Sonu and deceased Rajan had illicit relations. After the quarrel which occurred at Surat 10 days prior to the incident, deceased and Sonu came to village Vhoryapani, Taluka Shirpur. Then accused Pankaj also came to the village which is native place of the accused and the deceased.

03. On 04-05-2018 meeting was called by caste panchayat in the village. There was talk of illicit relations between deceased Rajan and Sonu. Rajan refuted the allegation and claimed that their relationship is of brother and sister. At about 10-45am accused Pankaj, Shiva and Ashok committed assault on the deceased after verbal altercation. Pankaj took out a knife and dealt two blows on chest of the deceased. He fell down. Informant and brother of the deceased went to rescue him. However, aforesaid three accused and

present applicant Ranjana tried to beat the rescuers. Accused Ranjana dealt a blow of wooden rod on the head of the deceased. The accused persons beat the rescuers. Deceased was taken to the primary health center and subsequently to the Government hospital at Shirpur. However, he succumbed to the injuries. FIR came to be registered in aforesaid circumstances.

04. Investigation started. In due course chargesheet was submitted and the case has been committed to the Court of Sessions. The same has been assigned to this court for disposal according to law. Accused/applicant was arrested on 08-05-2018 and since then she is in custody.

05. The State has opposed bail application on various grounds.

06. Ld.Adv.Shri.V.P.Tavar for the accused has submitted that this is fourth bail application. Present application has been filed in view of the change of circumstances warranted by grant of bail to co-accused Shiva and Ashok. Role assigned to the present accused in FIR is assault by wooden rod whereas death occurred due to injuries sustained on chest by sharp and cutting instrument knife. Postmortem report shows the cause of death. Offence of murder is not attracted in case of present applicant. She is a woman being in custody since 18 months. She has two small children and one of them is sucking child. She is made accused only because of relationship of sister with main accused Pankaj. She is ready to reside out of the village or even out of the district. She is ready to follow any stringent conditions of bail which may be imposed.

07. Ld.APP Shri.V.S.Purohit has submitted that this is fourth bail application. Two earlier bail applications were rejected by this court and third one filed before Hon'ble Bombay High Court was withdrawn. There is no change in circumstances. Offence is very serious. Name and active role of the applicant is mentioned in FIR. Weapons of offence knife and wooden rod are recovered. Witnesses are from same village. Charge has been framed.

08. First bail application B.A.No.325/2018 was rejected by my Ld. Predecessor. Thereafter, after committal of the present case, accused Shiva, Ashok and present applicant Ranjana filed bail applications at Exh.5A and 7. Both came to be rejected by my Ld. Predecessor on 20-10-2018. Thereafter, all three accused preferred bail application B.A.No.371/2019 before Aurangabad Bench of Hon'ble Bombay High Court. Hon'ble Bombay High Court granted bail to accused Shiva and Ashok vide order dated 10-04-2019. Perused copy of the order. It depicts that bail application was withdrawn for present applicant Ranjana. It clearly shows that the accused side felt that case of present applicant does not stand on the same footing with two remaining accused. Considering this situation, the accused cannot contend that grant of bail to co-accused Shiva and Ashok brings change in circumstances for present applicant.

09. FIR itself shows presence of the accused on the spot with other three accused. When accused No.1 Pankaj committed assault on the deceased by knife, present accused dealt a blow of wooden rod on head of the deceased when he was lying on the ground. This act itself makes intention of the accused clear. Apart from attracting

criminal liability due to common intention, the act of accused Ranjana to deal a blow of wooden rod on the head of the deceased itself signifies her intention to join main accused in fulfilling his wish. The deceased sustained contusion on midfrontal low and corresponding injury under the scalp. Cause of death in postmortem report is cardio respiratory failure due to injuries to vital organs heart and brain. Considering all aforesaid discussion, one can safely say that there is prima facie material against the accused about involvement and nature of assault causing death. There is no change in circumstances to consider bail application afresh. Furthermore, charge is already framed and trial is likely to commence in near future. This is not fit case to grant bail to the accused. In the result, I pass following order.

ORDER

The application is rejected.

Sd/-

[A.D.Kshirsagar]

Addl. Sessions Judge, Dhule.

Date:-05-12-2019

Certificate

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

Name of the Steno :- Nandkishor E. Kolhe
Name of the Court :- Court of District Judge-2
& Addl. Sessions Judge, Dhule.
D. Dictated on :- 05-12-2019
Transcribed on :- -----
Signed on :- 05-12-2019
PDF Uploading Date :- 05-12-2019

Sd/-...
(Nandkishor E. Kolhe)
Stenographer