

CNR : MHLA01-003438-2019.
Sessions Case No. 88/2019.
State Vs. Jogindar & others.

ORDER BELOW EXH.8.

1. The applicant, who is accused No.3, is arrested in crime No.230/2019 registered with Shivaji Nagar Police Station, Latur, for the offences punishable under Sections 302 and 201 r.w. 34 of Indian Penal Code, 1860.

2. It is alleged that the applicant, who is wife of the deceased, has committed the murder of her husband with the help of her brothers and other maternal relatives. Therefore, offence is registered against eight persons.

3. The counsel for the applicant has stated that the applicant is legally wedded wife of the deceased. Their marriage was performed before 15 years. They have four children. There was no any dispute between them. The complaint itself shows that there was dispute between applicant and the deceased before one year and due to which the allegations are made against this applicant that she has committed the murder of the deceased. The deceased died due to drowning. The cause of death is because of drowning and alcohol. The statements of the children are recorded after one month though they were present at the time of incident.

Their statements does not disclose that they saw anything about the crime. Only because the allegations are made about the dispute between both of them, the crime is registered against this applicant. Three accused persons are already released on bail. Therefore, the ground of parity is available to this applicant. Moreover, the investigation is completed and the charge-sheet is filed. There is no need to keep the applicant behind the bars. Hence, prayed to release the applicant on bail.

4. The learned A.P.P. opposed the application stating that there is last seen theory in this matter. The conduct of the applicant is suspicious. There was dispute between applicant and the deceased. The statement made by the son of this applicant itself proves that it was planning between the family. As the intention of all the accused was there to kill the deceased, the offence under Section 302 r.w.34 of I.P.C. is registered. Though the charge-sheet is filed, this is not a case to release the applicant on bail at this stage. Hence, prayed to reject the application.

5. Heard both counsel. Perused record.

6. The applicant is wife of the deceased. The allegations are about the dispute between the applicant and the deceased since one year. The applicant went to her

parent's house and there deceased went in drunken condition. Thereafter, he was missing and his body was found in a well. The opinion given by the doctor shows that it was the case of drowning. There are no specific allegations against this applicant to suspect her involvement in the crime. Only because there was dispute, she was arrested and is behind the bars. As the charge-sheet is filed, there is no need to keep her behind the bars. Hence, I am of the opinion that this is a fit case to release the applicant on bail. Hence, following order :-

ORDER

1. The application is allowed.
2. The applicant-accused No.3 Pinkykaur Bhawadasing Junni, R/o Coil Nagar, Latur be released on bail on furnishing P.B. & S.B. of Rs.15,000/-.
3. The applicant-accused shall not tamper the witnesses in any manner.

Date : 23.10.2019.

(Smt.V.V.Joshi)
Sessions Judge, Latur.
