

Order below exh. 13 in Sessions Case No. 33/2014

- 1- Present application has been filed by the accused No.2 for grant of regular bail u/sec. 439 of Cr. P. C., for the offence punishable u/sec.
- 2- The brief facts of the prosecution case can be summarized as follows;
- 3- Deceased Padminbai and accused Laxmibai had gone in the field on 26-04-2014 for plucking the cotton. Accused is a daughter in law of deceased Padminbai. Accused Laxmibai and the remaining accused in furtherance of their common intention assaulted deceased and committed her murder and her dead body was thrown in well. After committing the murder accused Laxmibai returned home in the afternoon. As deceased not returned to the home, hence, inquiry was made with accused Laxmibai about her but she kept mum. Though son of the deceased went in the agricultural land by taking a meals but she was not found. When he went to the well he saw dead body floating in the well. He took out the dead body. He also found some injuries on her person. It was brought at home. On account of Bhagwat Saptah, the dead body was immediately disposed off. It is alleged that because of the illicit relations of accused Laxmibai with another accused Laxman Govind Jabde and the said relations known to the deceased Padminbai, hence, accused committed her murder.
- 4- Accused No.1 is released on bail by Hon'ble High Court by order dated 26-11-2014 passed in Criminal Application No. 5769/2014. While passing the order hon'ble High Court observed that trial court may take its own time and released the accused No.1 on condition. Therefore, accused

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No.2 also prays that said observations is also applicable to her and she is entitled to released on bail. Further more, according to her investigation is already completed. She is a lady having one son namely Madhav aged about 7 years and one daughter Arundhari aged about 5 years. There is no any person in her family to look after them, said children are in the custody of her uncle Vithal who is a very poor person and he is not in a condition to maintain them, therefore, she prays that she be released on bail.

5- APP opposed the application strongly by filing of say at exh.14. He stated that if accused is released on bail, she may pressurize the other witnesses and it will affect the merits of the case. Hence, he prays that application be rejected.

6- Considering the above referred facts and circumstances, following points arise for my determination and my findings thereon are as follows:-

POINTS

FINDINGS

01- Whether applicant is entitled for grant of regular bail?

-In affirmative.

REASONS

7- On perusal of the proceeding it shows that accused No.2 had previously filed MCA No. 108/2014 before this court, it was rejected on 16-07-2014. she had prepared second bail application bearing No. 158/2014 and it was also rejected on 01-10-2014. Thereafter accused No.1 has submitted application before Hon'ble High Court bearing No. 5769/2014. said application was allowed by order dated 26-11-2014. Thus, there is a

change of circumstances on the basis of which present accused has filed the application. On perusal of the present proceeding, it shows that investigation is already completed. Accused No.1 is released on bail, while passing the said order Hon'ble High Court observed that trial court will take its own time. Said observations are also applicable to the present accused. Thirdly, present accused is a lady having two minor children having age of 7 and 5 years respectively. Therefore, considering all these circumstances, it shows that on parity she is entitled for the bail. According to APP if she is released on the bail, she may pressurize the witnesses. However, if she is released on bail on the condition similar to that of accused No.1 the purpose will be served.

8- In the nutshell, application deserves to be allowed. Hence, I answer point No.1 in the affirmative and proceed to pass following order:-

ORDER

01- Accused No.2 Laxmibai Venkat Kalyankar be released on bail in crime No. 89/2014 registered with Kandhar Police Station on her executing P.R. Bond in the sum of Rs.20,000/- and also upon furnishing surety in the like amount.

02- She shall not enter the territorial limits of village Digras(kd), Tq. Kandhar, Dist. Nanded for a period of three years or till the trial is concluded, whichever occurs earlier.

03- At the time of furnishing the P.R. Bond, she shall give his fresh address where she would reside along with mobile number in the personal recognizance bond.

Date: 06-01-2015

(Jayant V. Deshmukh)
Addl. Sessions Judge, Kandhar,

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Certificate

I affirm that the contents of this P.D.F., file Judgment are same word to word, as per the original Judgment.

Name of Stenographer : Balkrishna D. Kulkarni,

Court Name: Addl. Sessions Court, Kandhar,

Judgment signed by the Presiding Officer on 06-01-2015

Judgment Uploaded on : 07-01-2015