

Order Below Exh.19 in Sessions Case No.104/2022
(Passed on 28/11/2024)

Applicant: Manisha Anil Bendle

1. This bail application is filed by applicant/accused under Section 439 of Criminal Procedure Code in connection with Crime No.739/2022 of Pulgaon Police Station for the offences punishable under Sections 302 and 201 of the Indian Penal Code for releasing the applicant Manisha Bendale on bail on the ground of her ill health.

2. Heard learned Advocate Shri A.G. Wadatkar for applicant and learned Public Prosecutor Shri G.V. Takwale for the State.

3. It is submitted by learned Advocate Shri Wadatkar that applicant is suffering from lack of hemoglobin, high blood pressure along with sharp pain in her central chest, she is also suffering from excessive bleeding and her uterus being enlarged, for which surgery opinion is advised by the Doctor. He further submits that applicant was also advised to anti-platelet and statins surgery for the prevention of early neurological deterioration and recurrent stroke in branch athermanous disease. It is further submitted that after operation, she will need bed rest and for few days, she may not be in a position to maintain herself without the support of other person.

4. After perusal of medical documents of applicant,

learned Public Prosecutor Shri Takwale fairly concedes that applicant is in need of medical treatment and for that purpose, bail may be granted for the limited period.

5. On perusal of medical documents of applicant, which came to be forwarded by Superintendent of Jail below Exh.20, it appears that applicant was referred to Wardha District Prison Hospital, where Doctor advised her for surgery and gynecic opinion, thereafter, she was referred to Kasturba Hospital, Sewagram and Government Medical College, Nagpur, but she did not get proper treatment there. It appears that applicant is in need of surgery.

6. On perusal of record, it appears that two bail applications were rejected on 21/12/2022 and 07/09/2023. Admittedly, case of the prosecution is based on circumstantial evidence and trial is yet to be started. It appears that applicant is a household lady of 41 years old, there is no criminal antecedent against her. It further appears that applicant is having two sons and there is nobody in her family to look after them and hence, they are kept in one Orphanage. Record shows that applicant was arrested on 09/08/2022 and since then, she is in jail i.e. for more than 2 years.

7. Considering all the facts and circumstances and considering physical condition of applicant, particularly, the fact that her both the children are kept in Orphanage, case is made out for grant of bail for the period of six months i.e.

from 28/11/2024 to 27/05/2025. Therefore, I proceed to pass the following order.

Order

- 1) Applicant/accused Manisha Anil Bendale be released on bail, in Crime No.739/2022, registered with Police Station Pulgaon, District Wardha, for the offences punishable under Sections 302 and 201 of the Indian Penal Code for the period of 28/11/2024 to 27/05/2025 on furnishing solvent surety of Rs.15,000/- and executing P.R. Bond of like amount, thereafter she is directed to surrender before Court immediately.
- 2) She shall not pressurize the informant and witnesses, shall not tamper with the prosecution evidence and she shall not indulge herself in similar type of offence.

Date : 28/11/2024

(Sanjay J. Bharuka)
Sessions Judge, Wardha

CERTIFICATE

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

(Sau. Sonam U. Ingle)
Stenographer Grade-3