

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1355 OF 2021

Papu Ashok Waghela

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....
Mr.Sayyed A. Abbas a/w. Ms.Anamika Tiwari i/b. Mr.Datta Mane,
Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MAY 05th, 2021.

P.C. :

The applicant is arrested on 18th November, 2019, in connection with C.R.No.258 of 2019, registered with Pydhonie police station, Mumbai, for the offence punishable under Section 302 read with 34 of Indian Penal Code ("IPC", for short).

2 The prosecution case is that on 17th November, 2019, the complainant was on duty at the police station. The applicant visited police station and informed the police that her daughter was leaving the house with her clothes. She was caught by her and brought back in the house. With the help of odhani, she was strangulated and killed. The police visited the spt and found that

the daughter of the applicant aged about 23 years was found dead. During inquiry, it was revealed that the victim was in love with a boy, and, her family was against the said relationship. While the victim was trying to run away from the house with her clothes, she was caught and brought home. There was quarrel between them at that time. She was killed by strangulation. Ligation marks were noticed on the body of the victim. First Information Report ("FIR", for short) was registered. Investigation proceeded.

3 Statement of Jitendra Lohana was recorded on 17th November, 2019. He is son-in-law of the applicant. According to him, on 17th November, 2019, he had visited the house of the applicant. The door was closed. He pushed the door and went inside. His sister-in-law was found lying on the floor. His mother-in-law (applicant) was at her feet. His brother-in-law Aakash Waghela was strangulating the victim with the help of odhani by pressing her neck. The son of the applicant Aakash Waghela was arrested. Statement of Akshay Waghela was recorded on 19th November, 2019. He stated that the victim was having affair with Ajay Parmar. The family tried to convince the victim to discontinue her relationship with the said person. There were frequent quarrels between the victim, applicant and the

elder brother of the victim. On 17th November, 2019, he found that there was quarrel between the victim, applicant and his brother. He noticed that his elder brother Aakash came out of house crying and he told him that he along with his mother has killed the victim. Statement of Sonam Jitendra Lohana was recorded on 22nd November, 2019. He has stated that victim is her sister. On account of quarrel, she suspected that her mother (applicant), and, brother (Akash) has killed the victim by strangulating her with dhupatta/odhani.

4 The submission of the learned counsel for the applicant is that the incident had occurred all of sudden. It was not pre-planned. The role of strangulation is not attributed to applicant. The victim was the daughter of the applicant. The eye witness has attributed the role of strangulation by odhani to the co-accused.

5 Learned APP, however, submitted that the first informant has categorically stated that the applicant had visited police station and she had disclosed that she killed her daughter. Station diary entry in that regard also recorded on 17th November, 2019. The applicant was admittedly present in the house at the time of incident.

6 From the documents it appears that the victim is the daughter of the applicant. Victim was having love affair with one boy. The applicant and the brother of the victim were against the said relationship. The victim was trying to run away from the house with her clothes. She was caught by the family members, and, brought back to her home. The statement of eye witness mention that the co-accused was found strangulating the victim, and, the applicant was standing at the feet of the victim. The applicant is lady. Considering the factual aspects, further detention of the applicant is not necessary.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1355 of 2021, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.258 of 2019, registered with Pydhonie police station, Mumbai, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend trial Court regularly on the date of hearing, unless exempted by Court;

- (iv) Applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/-, for a period of eight weeks, in lieu of surety;
- (vi) Bail Application No.1355 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)