

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.586 of 2015

Mahadevi w/o Anant @ Anil Patil. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Sachin S. Panale, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 20th FEBRUARY 2015

ORDER:

1) The application is filed for bail. Both the sides
are heard.

2) The first application of the present applicant
filed before this Court was withdrawn. However this Court
had given liberty to file application after getting C.A.
report. That order was made on Criminal Application
No.4836 of 2014 on 22nd September 2014. After getting

C.A. report the present applicant filed application bearing Criminal Application No.6355/2014. In this application argument was advanced by the learned counsel for the applicant and when this Court expressed that the Court was not inclined to grant the relief, the application was withdrawn. Though it is not specifically mentioned in the order dated 18-12-2014 that it was rejected, as per practice at this station to avoid observations of the Court on merits of the case, submissions are made for withdrawal and the applications are shown as disposed of as withdrawn. It can be seen from the two orders dated 22-9-2014 and 18-12-2014 also.

3) It appears that when application of the present applicant came to be withdrawn on 18th December 2014, other Hon'ble Judge of this Court granted bail to the main accused Parmeshwar in Criminal Application No.6628/2014 on 23rd December 2014. After the decision of the application of Parmeshwar, application of Laxman bearing Criminal Application No.94/2015 came before this Court. Prayer was made for grant of bail on the ground of parity. In view of the order made by other Hon'ble Judge on 23-

12-2014, even when there was some material against Laxman, this Court granted bail to Laxman on 30-1-2015.

4) Present applicant is now claiming bail on the ground of parity. It was submitted for her that as the main accused Parmeshwar and Laxman against whom there is some material are released on bail the present applicant is also entitled to get bail. This submission of parity is not acceptable in favour of the applicant. This Court had rejected application of the present applicant on 18-12-2014 and that was done prior to the passing of order by other Hon'ble Judge i.e. on 23-12-2014 and thus on the ground of parity bail cannot be granted to the present applicant.

5) In past, the facts and the material were not mentioned in the order of this Court and so this Court is discussing the facts of the case and the material available. The case is filed for offences under sections 302, 201 and 120-B of the Indian Penal Code against present applicant and two other accused. Deceased was the husband of the present applicant. The applicant had developed illicit

relations with main accused Parmeshwar. There are allegations that Parmeshwar and present applicant joined hands and they decided to finish the deceased. The material collected shows that in furtherance of conspiracy the deceased was called by the main accused and Laxman and they were seen in the company of the deceased on the date of the incident i.e. 2-4-2014 and they had taken meals in one hotel together. There is statement of one Birbal Survase to that effect. One Avinash Yerte had seen Laxman driving auto of the deceased. Thus the auto of the deceased was with another accused Laxman. Thus there was one more circumstance against Laxman. This auto was then abandoned by the accused person on the road. The dead body of deceased was found in the field of Parmeshwar and it was in concealed condition, it was recovered from there.

6) There will be charge of conspiracy and this material can be used against present applicant, Parmeshwar and also against Laxman. Against present applicant there will be material on motive also and that material will come from close relatives of the applicant

and the deceased. Conspiracy needs to be inferred on the basis of circumstances like the circumstances quoted above. Heinous crime is committed by the present applicant and her paramour. Thus bail cannot be granted to the applicant on the ground of parity though she is a lady. This Court holds that ground of parity cannot be applied in view of peculiar circumstances of the case in favour of the present applicant.

7) The application is rejected.

Sd/-
(T.V. NALAWADE, J.)

rs1