

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2771 OF 2015.

SHRIMANTI PANCHABHOSALE.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Joydeep Chatterji, Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 29th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.I 89/2011 registered with Police Station, Pathardi, Taluka – Pathardi, District - Ahmednagar for the offences punishable under Section/s 302, 143, 147, 148, 149, 120(B), 201 of the Indian Penal Code.

[2] Heard Mr. Joydeep Chatterji, learned counsel for the Applicant and Mr. U.S. Mote, learned Additional Public Prosecutor for the Respondent – the State of Maharashtra.

[3] Charge-sheet is already filed. First Information Report is lodged by Janti wife of deceased - Navnath Chavhan. Initially in respect of death of Navnath, accidental death proceeding was registered. There is no eye witness account in the present prosecution case. Only the circumstances that is pressed into service against the present Applicant is the telephonic

call allegedly made by the present Applicant to the deceased. In fact, the said is reflected in the First Information Report itself.

[4] According to the First Information Report, deceased who is already married person was intending to marry secondly with the daughter of accused – Sukanshya Kale. For that, meeting was called in the house of the present Applicant; where at Rs.5 Lakhs were demanded however, according to the First Information Report deceased - Navnath was ready to pay only Rs.50,000/- only, therefore, their meeting was called-off.

[5] According to the First Information Report dated 11th March, 2011 when the first informant and the deceased were taking the breakfast in one Hotel situated near S.T. Bus Stand, that time, present Applicant allegedly made telephonic call and called the deceased at village Babhulgaon, therefore, he left the said place. Subsequently, only dead body of Navnath was found lying on Pathardi to Koradgaon road. As observed above, there is no eye witness account, in the prosecution case.

[6] Further, the accused persons from whose statements under Section 27 of the Indian Evidence Act recovery of certain articles was made, are already released on bail, by the learned court below.

[7] The Application of the present Applicant was rejected only on the ground that, she made telephonic call to the deceased. Merely because the telephonic call is made; that by itself is not incriminating circumstances to substantiate the case against the present Applicant. There ought to have some other corroborating and incriminating material. Further the investigation is already over. In that view of the matter, further presence of the Applicant in jail, is not warranted. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - SHRIMANTI PANCHHA BHOSALE shall be released on regular bail on she executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with one solvent surety in the like amount, in connection with CR No.I 89/2011 registered with Police Station, Pathardi, Taluka – Pathardi, District - Ahmednagar for the offences punishable under Section/s 302, 143, 147, 148, 149, 120(B), 201 of the Indian Penal Code.
- (iii) Bail before trial court.
- (iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)