

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

CRIMINAL BAIL APPLICATION NO.996 OF 2015

Mrs. Jyotsna Amit More.	...Applicant.
vs.	
The State of Maharashtra.	...Respondent.

Mr. Oyes Ahmed Siddiqui for the Applicant.
Mr.S.H. Yadav, APP. for the State.
Mr. Mahadev Kadam, PI. Dongri Police Station present.

**CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 16 JULY 2015**

PC:

Heard.

2) The applicant herein is arrested on 21.12.2014 in Crime NO.242/2014 registered at Dongri Police Station for offences punishable under Section 302, 201,342, 120B and 170 of I.P.C. The investigation is completed and charge sheet is filed. It is the case of the prosecution that on 21.12.2014 Girija Bharat Mhaske, PSI posted at Dongri Police Station lodged a report stating therein that on 23.8.2014 at about 2.00p.m. one Vishal Achrekar approached the police station and lodged a report that his brother Vaibhav Achrekar is missing from 20.8.2014. Missing complaint No.38/2014 was registered and the police were investing the whereabouts of Vaibhav Achrekar. It had transpired in the course of investigation that Vaibhav Achrekar had illicit relationship with

the married woman i.e. present applicant. The Police Officer had taken the cell phone numbers of Vaibhav Achrekar and the present applicant and had noticed that several calls were exchanged between the present applicant and Vaibhav Achrekar till 7.00p.m. of 19.8.2014.

3) On 18.9.2014, the present applicant was called to the police station for the purpose of enquiry and her statement was recorded. She feigned ignorance about missing of Vaibhav Achrekar. She was then called to the police station on 21.9.2014 and her statement was recorded. In the said statement, the present applicant has disclosed that she was married to Amit More in 2004. Since she had come to reside in Poddar building she was acquainted with Vaibhav Achrekar as he was friend of her husband. He used to visit her house quite often. He also used to visit her house for dinner. That, one day Vaibhav Achrekar had, in the absence of her husband taken nude photograph of her and he was black mailing her on that ground. She had attempted to tell her husband but he suspected her fidelity and she was driven out. Vaibhav Achrekar had sexual relations with her and he was harassing her for continuing sexual relationship. She was constrained to maintain sexual relations with him as he was blackmailing her. **She** has further disclosed that 7 to 8 months prior to the incident she had met Prakash Patil on the social network "Face book". She had started chatting with him and their relationship developed in love. She has also disclosed that she was

being harassed by her husband. The residents of the said building were aware of her illicit relations with Vaibhav. She had informed Prakash about the cruelty and ill treatment meted out to her at the hands of her husband. She had also informed Prakash that she was being black mailed by Vaibhav Achrekar. On 19.12.2014, at about 11.00a.m. she had taken her mother to the Doctor. She had met Vaibhav at Bombay Central. He had informed her he was to go to Dahisar on that day. She had also been to Dahisar. She had once again informed Prakash about the harassment at the hands of Vaibhav. Prakash had told her to call Vaibhav at Naigaon on the next day. Accordingly, she had called Vaibhav at Naigaon. Thereafter, Prakash and his associates had taken Vaibhav at unknown place. She has further disclosed that she has no clue as to what had happened after he was taken away by Prakash.

4) On 21.12.2014, she had learnt about the missing of Vaibhav. The Investigating Officer has also recorded the statement of Prakash Patil. He has categorically stated that on 20.8.2014 the present applicant had accompanied him as well as Michale and Sunil. They had been to Dahisar at the instance of the present applicant. They had picked up the present applicant at Dahisar.

5) The statement of accused as well as other witnesses clearly indicates that the present applicant was not only instrumental in causing homicidal death of Vaibhav at the hands of the principal accused Prakash and other accused, but had abetted the said offence only because **she** had illicit relations with Prakash.

There was change in feeling with Vaibhav ever since she had met Prakash Patil on social network and she was to get rid of Vaibhav and therefore, she has abetted homicidal death of Vaibhav at the hands of the principal accused.

6) Learned counsel for the accused submits that only evidence against the applicant is in the nature of Section 120B of the I.P.C. There is no cogent evidence to hold that she has actually caused homicidal death of Vaibhav and therefore, she is entitled to be enlarged on bail. Taking into consideration the nature of evidence, the applicant does not deserve grant of bail. Learned A.P.P. submits that the applicant herein has been instrumental in ruining the family of Vaibhav Achrekar, Prakash Patil as well as her own. Learned APP. also submits that some of the accused have antecedents. It is also submitted that this is a case of hired killing at the instance of the present applicant.

7) In view of this the application being no merits stands rejected.

(SMT. SADHANA S. JADHAV, J.)