

entirely dependent on the interest amount of the investment made by her mother in law. The principal accused Ashok Sharma is the husband of the sister of the applicant/accused. It is the case of prosecution that on 5th February, 2015 in the afternoon at around 4.30 p.m, the principal accused Ashok Sharma along with co-accused Shehnaz Maldar arrived outside the society where the applicant/accused – complainant was residing. Thereafter, principal accused Ashok with the help of other two co-accused Anand Jagtap and Anandraj Nadar kidnapped her mother in law i.e. the deceased Shantidevi Sharma and then killed her and thereafter they thrown the dead body of Shantidevi at Malshej Ghat. It is the case of the complainant – applicant/accused that the dead body of her mother in law was found at the instance of co-accused Anandraj Nadar. In the postmortem report, the cause of death is mentioned as “*cardiopulmonary arrest due to asphyxia*”. Though the applicant/accused has given complaint of kidnapping, the police in the course of investigation found that she is also involved in the offence and so she was made accused No. 5. Thereafter, the offence was registered against her. She was arrested on 10th February, 2015. She is inside since then. Hence this bail application.

3. The learned counsel for the applicant/accused has submitted that the applicant is innocent. She has not committed any offence, much less the offence of murder. He submitted that the applicant/accused is a helpless lady whose husband was addicted to liquor and gambling. She was not having any source of income. Their family was entirely dependent on the income of the mother in law. He submitted that the prosecution could not show the motive behind the offence. There was no reason for the applicant/accused to be a part of the conspiracy of murdering her mother in law. He relied on the statement of father Vinod and sister Kavita of the applicant/accused. He submitted that the applicant/accused immediately disclose that the principal accused Ashok had come to her house in a car along with the co-accused and kidnapped her mother in law. He submitted that she was not aware of any plan or conspiracy of killing her mother in law. He further submitted that her two children are 8 and 10 years old who are completely dependent on the applicant/accused and her husband is a drunker. Therefore, he prayed for bail.

4. The learned prosecutor opposed the bail application. He submitted that the conduct of the applicant/accused is very

suspicious. She mislead the police by suppressing the information that she was aware that the principal accused Ashok kidnapped her mother in law with the help of the co-accused. She ought to have disclose this fact to the police immediately. This shows that she deliberately suppressed the true facts. This is the case of murder. He submitted that at the instance of co-accused the dead body of the deceased was found on 10th February, 2015. He relied on the postmortem report. He also relied on the statement of the co-accused recorded under Section 164 of the Code of Criminal Procedure.

5. Perused the first information report. I have gone through the statements of the witnesses. So also the statement of co-accused recorded under Section 164 of the Code of Criminal Procedure. The applicant/accused has posed herself as complainant to the police. However, she informed that her mother in law was kidnapped but did not disclose the name of principal accused. *Prima facie* the applicant/accused has mislead the police by suppressing the fact that she had knowledge of the kidnapper. However, the particular conduct of the applicant/accused is not sufficient to prove the applicant/accused guilty of the offence of murder and conspiracy. The said act is

also not supported by the statements of other witnesses. The witnesses Kavita and Vinod disclose that the applicant/accused has informed them that the principal accused Ashok came to her house along with other co-accused and with the help of them, they forcibly took her mother in law by putting her in a dicky of the car. The prosecution could not show further link of the applicant/accused with the conspiracy of kidnapping or murder. Under such circumstances, taking into consideration that she is the mother of two young children who are completely dependent on her and the period for which she is in the prison, I am inclined to grant bail to her.

6. Hence, I grant bail as under:
 - a) The application is allowed.
 - b) The applicant/accused be enlarged on bail upon furnishing P.R. Bond in the sum of Rs. 40,000/- with one or two surety/s in the like amount.
 - c) She shall not tamper with the evidence and shall not pressurize the witnesses.
 - d) She shall not indulge into any criminal activity, while on bail.

e) She shall make herself available and attend all the Court dates regularly.

f) She shall not abscond and furnish her address to the police station along with address proof.

g) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

7. Bail application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)