

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 799 OF 2015

Seema Gangadhar Thele VERSUS State of Maharashtra thr PSO PS Nandgaon Peth Distt.Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.R.Agrawal counsel for the applicant.
Smt R. Deshpande APP for the respondent.

CORAM : A. S. CHANDURKAR J.

DATE : OCTOBER 28, 2015.

Applicant seeks release on bail with regard to Crime No. 18 of 2015 registered at Nandgaon Peth Police Station. It is the case of the prosecution that one Gangadhar was found dead on 26.01.2015 in a well at village Wadgaon Mahure. According to prosecution the hands of the deceased were tied, there were strangulation marks on his neck and burn injuries on the body. Initially, the crime was registered against unknown persons. However, subsequently accused no.1 Raosaheb and present applicant were arrested. According to the prosecution the applicant had illicit relations with Raosaheb. Applicant was the wife of deceased. Both accused were arrested in aforesaid crime. Certain statements

recorded by the investigation indicated that accused no. 1 was seen carrying a sack on his motorcycle on the night on 19.01.2015. The present applicant was arrested on 27.01.2015 and her application for being released on bail was rejected by the Sessions Court Amravati on 14.07.2015, hence this application.

On behalf of the applicant it is submitted by Shri P. R. Agarwal, Advocate that present is the case of circumstantial evidence. The statements recorded are by way of an after thought and to suit the case of the prosecution. Merely on the basis of assumption that the applicant had illicit relations with the accused no. 1, the applicant had been implicated. It is further submitted that charge sheet has been duly filed and further custody of the applicant is not required.

The application is opposed by Smt. R. Deshpande, learned Assistant Public Prosecutor. It is submitted that the statements recorded clearly implicate the applicant who had illicit relations with accused no. 1. It is further submitted that statements of various witnesses indicated such illicit relations which was the motive behind doing away with Gangadhar. It is therefore submitted that if the applicant is so released there is likelihood of her tampering with the prosecution witnesses or the material collected.

Accused no.1 has been directed to be released on bail vide order dated 28.09.2015. Allegation against present applicant is with regard to having illicit relations with accused no.1. In aforesaid background especially when the investigation is complete and the prosecution is in custody of all material on which basis it intends to proceed with the trial coupled with release of accused no. 1 on bail, a case for grant of bail is made out. Applicant is in custody since 27.01.2015 and as entire investigation is complete, the applicant can be enlarged on bail subject to conditions.

Accordingly the following order is passed:

The applicant is directed to be released on bail in Crime No. 18 of 2015 registered with Police Station Nandgaon Peth on furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

Applicant shall not enter the limits of village Shevati and village Wadgaon Mahure during pendency of the trial.

She shall report at Nandgaon Peth police station as and when directed by the Investigating Officer. She shall not take any steps whatsoever to tamper with the prosecution witnesses or the material collected by it. Breach of any conditions would entitle the State to seek cancellation of

aforesaid liberty. Application is allowed in aforesaid terms.

Hamdast granted.

JUDGE

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