

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

**Criminal Application No. 4628 of 2016**

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| District : Osmanabad |
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Pratibha Prakash Chapekar,  
Age : 28 years,  
Occupation : Household,  
R/o. 36, Mauli Niwas,  
Porwal Park, Alandi Road,  
Yerwada, Pune - 6.

.. Applicant.

**versus**

The State of Maharashtra.

.. Respondent.

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*Mr. Joydeep Chatterji, Advocate, for the applicant.*

*Mr. S.B. Yawalkar, Addl. Public Prosecutor, for  
the respondent.*

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**CORAM : A.M. BADAR, J.**

**DATE : 31ST AUGUST 2016**

**ORAL ORDER:**

The applicant / accused in Crime No. 174/2015, registered with Police Station, Osmanabad (Rural), District Osmanabad, on 21.12.2015, for offences punishable under Sections 302, 201, 120B, read with Section 34 of the Indian Penal Code, at the instance of Arun Pimple, by this application, is seeking bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the applicant is a pregnant lady. She is wife of accused Prakash Chapekar and sister of accused Datta Lohar. The learned Counsel further argued that except telephonic contact between the present applicant with two co-accused, there is no evidence against the present applicant.

3. The learned Addl. Public Prosecutor opposed the application by contending that husband of the applicant was having illicit relations with deceased Kanchan Pardeshi and to eliminate Kanchan Pardeshi, accused persons hatched conspiracy. The applicant was in constant touch with the co-accused. Co-accused Prakash Chapekar and deceased Kanchan left Nagpur and started their journey towards Osmanabad. At Osmanabad, Datta Lohar joined Prakash Chapekar and deceased Kanchan. Thereafter, according to the learned Addl. Public Prosecutor, co-accused Prakash Chapekar switched off his mobile and then the present applicant started calling co-accused Datta Lohar constantly.

4. Perused the record made available. The applicant is wife of co-accused Prakash Chapekar. According to the prosecution case, deceased Kanchan was having illicit relations with Prakash Chapekar and they resided at Nagpur from the year 2015 till

the incident.

5. Averments in the FIR are to the effect that in the morning hours of 21.12.2015, at public well, dead body of a woman was found stacked in a gunny bag. Ultimately, the same was turned to be dead body of Kanchan.

6. The evidence against the present applicant is that of telephonic calls made by her to her husband and her brother. The tower location of the cellphone of applicant Pratibha Chapekar is undisputedly at Pune. The crime in question was committed on journey of deceased Kanchan from Nagpur towards Osmanabad and her dead body was found at Wagholi, Taluka & District Osmanabad. Prima facie, telephonic contact by a wife or sister with her husband or brother may not reflect conspiracy to eliminate the paramour of the husband.

7. Except this, the learned Addl. Public Prosecutor submits that there is no evidence against the applicant / accused.

8. In the wake of material available against the applicant, her pre-trial detention is not warranted.

9. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on her executing P.R. Bond in the sum of Rs. 15,000/- and on furnishing one or more solvent sureties of the like amount.

(c) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing of charge-sheet against her by the Investigating Officer.

(e) The applicant shall not repeat commission of similar type of offences in future.

10. The Application stands disposed of in the aforesaid terms.

( A.M. BADAR )  
JUDGE

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