

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 111 OF 2016

Bharti Atul Agarwal @ Gore	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Ms. Sonal Parab i/b. Rajeev Sawant & Associates, Advocate for the applicant.

Mr. S.H. Yadav, APP for the State.

Mr. B.G. Patil, P.S.I., Saphale Police Station, Palghar present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **20th April, 2016.**

P.C.:

This Application is moved by the applicant/accused for bail, as she is facing charges under sections 302, 201 of the Indian Penal Code. The offence is registered at the instance of Ashish Madhukar Raut on 7th September, 2015 in C.R. No. I-37 of 2015 at Saphale Police Station.

2. It is the case of the prosecution that at around 6.15 a.m. when the informant was going on a motorcycle, he noticed a body of one person lying on the roadside, so he gave information to the police, pursuant to which the offence was registered.

3. It is the case of the prosecution that deceased Atul Agarwal is the husband of applicant/accused. She was having extra-marital relationship with main accused Rajesh Ramesh Waghela. There was some money transactions between the principal accused and the deceased. On 6th September, 2015, the principal accused Rajesh Waghela took Atul

Agarwal to Saphale. He assaulted Atul Agarwal with stone on his head and confirmed that he was dead and left the place. The applicant/accused thereafter was arrested along with principal accused Rajesh Waghela. Hence, this Bail Application.

4. The learned counsel for the applicant submitted that there is no evidence against the applicant/accused. The applicant/accused is a mother of three minor children and her husband is dead. There is nobody to look after the children. Since September, 2015 she is in prison.

5. Learned APP submitted that there is a statement of hotel owner and one person that applicant/accused and principal accused Rajesh Waghela were having illicit relationship and therefore, Rajesh Waghela killed the husband of applicant/accused. The applicant/accused had knowledge of this.

6. Perused the FIR and the statement shown by the learned APP. It appears from the record that *prima facie* there is no evidence against the applicant/accused to convict her under section 302 or 201. So also, the applicant/accused is a mother of three minor children. The investigation is complete and I do not find any possibility of applicant/accused jumping the bail. Hence, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.30,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not tamper with the evidence.
- (iv) The applicant shall not indulge into any criminal activity, while on bail;
- (v) The applicant shall not abscond and furnish the telephone number and permanent address to the police along with address proof.
- (vi) The applicant shall make himself available and attend all Court dates;
- (vii) The applicant shall not jump the bail.
- (viii) The applicant shall not leave India without the prior permission of the Court.
- (ix) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

7. The Application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)