

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1323 OF 2015

Ujwala Dhakuji Veer.

..Applicant.

vs.

The State of Maharashtra.

..Respondent.

Mr. B.G. Vaidya with Mr. Prabhu Velar and S.M.Nirmal for the Applicant.

Mrs. P.P. Shinde, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 3rd February 2016.

PC:

The applicant is seeking bail in CR No.60/2015 registered with Dahisar Police Station, Mumbai under Sections-302 and 201 of the Indian Penal Code.

It is the prosecution case that deceased Smt. Priti Bhagekar was the wife of Mr. Prashant Prakash Bhagekar That, the said Prashant Bhagekar was having love affair with the present applicant. The said Prakash Bhagekar had also advanced certain amount as loan to the present applicant. That, the deceased Smt. Priti Bhagekar used to demand said amount from the applicant. That, on 11.12.2015 deceased Smt. Priti Bhagekar had been to the house of the applicant and demanded money which were given by her husband to her. At that time quarrel took place and during the said quarrel due to sudden and grave provocation the applicant initially threatened the said Smt. Priti Bhagekar and thereafter assaulted her with sharp edged weapon. It is the further prosecution case that the applicant thereafter put the dead body of the deceased

in the drawer of the bed/diwan. After investigation the police have filed the charge sheet.

2) The prosecution has relied upon the statements of Ranjana Jadhav, maid servant of the applicant, Dipti Deepak Mandavkar sister of the applicant and Smt. Anusaya Veer-mother of the applicant. In her statement Anusaya Veer has stated that she heard some noise from the bed room and she asked the applicant that what happened inside the room. At that time the applicant replied that the pet cat is making noise. The other two witnesses namely Dipti and Ranjana have in their statements, stated that the applicant was inside the room and she did not allow them to enter the room. The prosecution has also relied on the circumstance that blood stains were found on the clothes of the applicant.

3) It is to be noted here that as per the Chemical Analyzer's report the blood group of the deceased was "B" and the blood which was found on the clothes of the applicant is of "AB" group. The blood of the applicant was sent for chemical analysis. The Investigating Officer has received the C.A. report during the course of investigation but there is no specification about blood group of the applicant. The evidence on record discloses that there are two doors to the said house, one from the front side and the other one from the rear side for egress and ingress wherein the dead body of the deceased was found. The learned counsel for the applicant submitted that the possibility of third person coming inside the room from outside cannot be ruled out. The record further discloses that the place of residence of the applicant i.e. scene of offence is located in a decently populated area. It appears from the record that no

neighbour or any other person has either heard any commotion or the noise of the applicant and/or deceased. The applicant is a lady and is in Jail since 12.2.2015.

4) In view of the above the applicant has made out a case for her release on bail.

Hence, the following order.

ORDER

a) The applicant be released on bail in CR No.60/2015 registered with Dahisar Police Station, Mumbai on her furnishing PR bond of Rs.50,000/- with one or two solvent local sureties in the like amount.

b) After release from Jail the applicant shall attend the Dahisar Police Station on every 1st and 3rd Monday of the month between 10a.m. to 12.00 noon. till the conclusion of the trial.

c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

d) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)