

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1025 OF 2016
IN
CRIMINAL APPEAL NO.621 OF 2016**

Jayshree Arun Kamble	...	Applicant/Orig. Accused No.1
V/s.		
The State of Maharashtra	...	Respondent

Mr. Vikas Shivarkar for the Applicant/Accused.
Mr. J. P. Yagnik, APP for the State.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

21st OCTOBER 2016.

P. C. :

. The applicant was convicted and sentenced by the Learned Sessions Judge to suffer imprisonment for life for the offence punishable under section 302 of IPC.

2. The prosecution case is that the applicant was last seen with the deceased on scooter. On 16/9/2014, the dead body of the deceased was found in a canal, Fursungi, Hadapsar. Inquest panchanama was conducted on 16/9/2014. During the course of inquest "Treat" biscuit wrapper was found in the pocket of jeans pant of the deceased. The prosecution case is that the said packet was purchased from grocery shop of PW-5-Vanita Vinod Bhati. PW-5-Vanita Bhati deposed before the Court that the applicant purchased chocolates worth Rs.2/- and Biscuit packet of "Treat" company and paid Rs.10/-. She deposed that she had seen the

deceased going along with the applicant/accused on scooter. The statement of this witness was recorded under section 164 of Cr.P.C.

3. Another crucial witness PW-8-Raju Vivekkumar Gupta, who runs Kailas Farsan Shop at Mantri Market, Hadapsargaon, Pune deposed that on 15/9/2014 he saw a lady proceeding on the road along with a child. The lady was on TVS vehicle and she parked her vehicle near the canal, but he could not see face of that lady and that he was not aware about what happened thereafter.

4. The learned counsel for the applicant submits that the applicant was on bail during the trial. The motive of the applicant to commit crime is not established. The applicant is a married lady and has her own family. The parents of the applicant are acquitted in the Trial Court.

5. The learned APP submits that strong circumstances have been brought on record to establish motive. A wrapper of "Treat" biscuit is found in the pocket of the deceased which was purchased by the applicant for the deceased.

6. We have perused the record. The prosecution case is broadly based on the circumstances like last seen evidence; dead body of deceased found on 16/9/2014, identification of applicant by PW-5 Vanita. In cases based on circumstantial evidence, motive plays an important role. The PW-8 did not identify the applicant. Taking into consideration the overall

facts and circumstances, we are inclined to release the applicant on bail. The applicant is a woman and she was on bail during trial.

ORDER

- i) The application is allowed.
- ii) Substantive sentences awarded against applicant-Jayshree Arun Kamble stand suspended. The applicant is directed to be released on bail in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Trial Court.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)