

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

CRIMINAL BAIL APPLICATION NO.1773 OF 2015

Shahnaz Salim Maldar ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Niranjan Mundargi i/b. Waseem I. Pangarkar for the Applicant
Mrs. R.M.Gadhvi, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 14, 2016.**

P.C.

1. This is an application for bail filed by the aforesaid applicant who has been arrested in crime No.60 of 2015 registered with Bhadrakali Police Station, Nashik for offences under Section 363, 364, 302, 120B, 302 and 201 of the Indian Penal Code.

2. The case of the prosecution in brief is that the applicant along with the other co-accused had abducted Smt. Shantidevi Sharma and committed her murder. The crime was registered pursuant to the FIR

lodged by the daughter in law (Ekta Sharma). Subsequently, said Ekta Sharma was also implicated as an accused. In the course of investigation, the other co-accused were also arrested and upon completion of investigation chargesheet has been filed and the case has been committed to the Sessions Court. The applicant herein has filed application for bail which has been rejected by the Addl. Sessions Judge-6, Nashik by order dated 15th July, 2015. Hence the application.

3. The records prima facie reveal that Shantidevi Sharma resident of 19/20, Sarvottam Society, Opp. Ravindra High School, Dwarka Nashik, was abducted from her residence. She was bundled up in a bed sheet and put in the dicky of the car. Subsequently, the body was found at Malshet Ghat. The records prima facie reveal that one lady was present along with the other co-accused who had abducted said Shantadevi Sharma. It is however to be noted that the said lady was not known to the witnesses who had allegedly seen her on the date of the incident. The learned APP has not disputed that no identification parade has been conducted to establish the identity of

the said lady who was present along with the other accused. Thus there is no prima facie material to link the applicant with the crime. The prosecution has only relied upon the CDR records which prima facie prove the presence of the applicant at Nashik. The said facts by itself would not be sufficient to link her with the crime.

4. In the light of the above facts and circumstances, in my considered view there is no prima facie material to show the involvement of the applicant in committing the said crime. Hence the application for bail is granted on the following terms and conditions:-

- i) The applicant in Crime No.60 of 2015 of Bhadrakali police Station, Nashik, be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned Addl. Session Judge, Nashik.
- ii) The applicant shall furnish to the Investigating Officer her

contact number, permanent as well as temporary address, if any.

iii) The applicant shall appear before the Sessions Court on each and every date of hearing.

(ANUJA PRABHUDESSAI, J.)