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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2195 OF 2015**

Nisha Balaji Bhosale

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Jaydeep Mane, for the Applicant

Mr.D.P.Adsule, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 16th MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 230 of 2015, registered with the Wakad Police Station, Pune City, for the alleged offences punishable under Section 420, 302 of the Indian Penal Code.
3. The incident in question has taken place in the intervening night of 15th and 16th May, 2015. It is alleged that the first informant (now

co-accused) is the brother of the deceased and husband of the present applicant. He has alleged that when he and the applicant woke up in the morning, they saw that the deceased was lying unconscious in the bed and there was a rope on the deceased – Savita's neck and hence they called the police, who came to the spot and took the deceased to the Sassoon Hospital, where she was declared dead. Pursuant to the information, given by the first informant (now co-accused), an FIR was lodged as against unknown persons. During investigation, it was revealed that as deceased – Savita had love affairs with several persons, the reputation of the applicant and her husband was being affected and they were getting defamed, and hence the applicant and her husband committed the alleged offence.

4. Learned Counsel for the Applicant submitted that the entire prosecution case rests on circumstantial evidence and there is no material as against the applicant. He submitted that even according to the prosecution, it is the applicant's husband who strangled the deceased by tying a rope on her neck.

5. Perused the charge-sheet. It appears that the deceased was in

custody of the applicant and co-accused in their house, at the relevant time. Perused the statement of Maruti P. Malkapure. From the said statement, it is evident that the applicant's husband informed him and his wife about the deceased sleeping in an unusual way, pursuant to which they went to the house. It is alleged that the co-accused opened the door and when they entered the house, they saw the deceased lying on the floor without any movement. He has stated that on seeing the condition of the deceased, they left the house and were followed by the applicant and the co-accused. He has further stated that he asked the co-accused to call the police on 100 and inform them about the same, pursuant to which, the co-accused called the police and informed them, about the deceased being killed by some unknown persons.

6. It appears that the applicant was present in the house along with co-accused at the relevant time, when the alleged incident took place in the intervening night of 15th and 16th May, 2015.

7. Considering the material on record, this is not a fit case to enlarge the applicant on bail.

8. Accordingly, the Application for bail is rejected and disposed of as such.
9. It is made clear that, the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.