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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2299 OF 2015

Lalita Bapu Kasbe	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Ms.Pranali Kakade i/b. Mr.Subhash Hulyalkar for the applicant.

Mrs.Veera Shinde, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 20TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.86/2015 for offences punishable under section 302, 397 read with 34 of the Indian Penal Code and under section 3 of Maharashtra Prevention and Eradication of Human Sacrifices and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013 registered with Hadapsar Police Station, Pune is praying for her release on bail.

2. Heard the learned counsel appearing for the applicant and learned APP for the State.

3. According to the learned APP in this case, based on circumstantial evidence, there is sufficient evidence to implicate the applicant in the offence punishable under section 302 of the Indian Penal Code. She argued that CDR collected by the Investigating Officer shows that the present applicant was constantly in touch with co-accused Laxmiakka @ Gautam Kamble.

4. On 22nd February, 2015 Ashok Ravlekar reported to police that his cousin sister-in-law Manisha Ravlekar is found dead in her rented flat No.29 of Kamdenu Estate, Tejas Society. It appears that initially accidental death case was registered and during inquiry of that case, police found commission of offence punishable under section 302 of the Indian Penal Code. Accordingly Baban Shankar Doiphode, P.S.I. Hadapsar Police Station, Pune lodged report.

5. F.I.R. itself shows that deceased Manisha Ravlekar was having love affair with Ashok Ravlekar. As per recitals in F.I.R., the present applicant Lalita Kasbe is a friend of deceased Manishal Ravlekar. According to the prosecution

case, deceased Manisha Ravlekar was having a feeling that Ashok Ravlekar is going to some foreign country and said Ashok Ravlekar is not loving her as he used to do earlier. Deceased Manisha, therefore, decided to take recourse to black magic in order to see that Ashok Ravlekar should not leave her. According to the prosecution case, the applicant Lalita Kasbe was requested by deceased Manisha to help her in the matter. Thereafter, according to the prosecution case, applicant Lalita Kasbe had introduced co-accused Laxmiakka @ Gautam Kamble to deceased Manisha Ravlekar.

6. According to the prosecution case, on the date and at the time of incident in question, Manisha Ravlekar (since deceased) and co-accused Laxmiakka @ Gautam were together at the spot of incident, as seen from the CCTV footage. The F.I.R. which is lodged after necessary inquiry by the police officer does not show that the present applicant was present on the spot when murder of Manisha Ravlekar was committed.

7. Though according to the prosecution case by selling jewellery of the deceased, sum of Rs.41,000/- was handed

over to co-accused by applicant Lalita Kasbe, memorandum statement and the resultant recovery from Laxmiakka @ Gautam (co-accused) shows that entire jewellery of the deceased is recovered.

8. According to the prosecution case, sum of Rs.2,400/- and one cell-phone of Micromax make came to be recovered from the present applicant. Statement of Balasaheb – husband of deceased shows that just four to five days prior to the incident, he had given a new cell-phone of Micromax make to his wife Manisha. The recovery panchanama shows that recovery is of old cell-phone.

9. Considering this nature of evidence against the present applicant, her pre-trial detention of the applicant / accused is not at all warranted and, therefore, the order :-

- (i) The applicant / accused in Crime No.86/2015 for offences punishable under section 302, 397 read with 34 of the Indian Penal Code and under section 3 of Maharashtra Prevention and Eradication of Human Sacrifices and other Inhuman Evil and Aghori Practices and Black Magic

Act, 2013 registered with Hadapsar Police Station, Pune be released on bail on her executing P.R. Bond in the sum of Rs.10,000/- with one or more surety in the like amount;

- (ii) As a condition of this order, the applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against her so as to dissuade him from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (iii) The applicant / accused shall co-operate for expeditious disposal of the trial;
- (iv) The applicant / accused shall not commit an offence similar to the offence of which she is accused or suspected of commission;
- (v) The application is disposed of accordingly.

(A.M.BADAR,J.)