

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

**CRIMINAL APPLICATION NO.1004 OF 2016
IN
CRIMINAL BAIL APPLICATION NO.1583 OF 2016**

Sairabano Anilkumar Pande Applicant

Vs.

The State of Maharashtra Respondent

Mr. Kamlesh Gujar, Advocate for the Applicant.
Smt. Rutuja Ambekar, APP for the State.

Coram : N.W. SAMBRE, J.

Date : 21st December, 2016

P.C.

1 This application is placed before this court by the learned counsel appearing for the applicant seeking modification of the order dtd. 22nd August, 2016 passed by Shri. Justice A.S. Gadkari, in Criminal Bail Application No. 1583 of 2016. He prayed that in the order particularly in para (a) of the operative part i.e. the words “with one or more solvent local sureties” be replaced as “one or more solvent sureties”. The correction be carried out and the order be read accordingly. The application stands disposed off with the above correction.

(N.W. SAMBRE, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1583 OF 2016

Mrs. Sairabano Anilkumar Pandey Accused/
Applicant
Vs.

State of Maharashtra Respondent

Mr. Kamlesh Gujar, Advocate for Applicant.
Smt. Rutuja Ambkar, APP for State.

CORAM : N.W. SAMBRE J.
DATE : 21st DECEMBER, 2016

P. C.

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant is seeking bail in CR No. 32/2016 registered with Malvani Police Station, Mumbai under Section 302 & 201 of Indian penal Code.

2. It is the case of the prosecution that the applicant is married with one Anil Pande and out of the said wedlock, she has given birth to a boy. It is the further prosecution case that the applicant was having illicit relations with deceased Chandan Yadav and the applicant was intending to marry with him. That on 18/1/2016 the applicant intimated her father and also the first informant Amanat Khan that foul smell is emanating from the house of Chandan Yadav. The applicant tried to peep

through the gap of the door and it was found certain glass pieces were lying on the floor. The owner of the said room was thereafter called. He opened window and from inside the room more foul smell stated emanating, because of which the police were called. The police thereafter broke open the door of the house of Chandan Yadav and found the dead body of Chandan in a decomposed condition. The first information report was lodged by Shri Amanat Khan on 18.1.2016. After completion of investigation, police have submitted final report on 11.4.2016.

3. The present case is based on circumstantial evidence. That on 18.1.2016 the decomposed body of deceased Chandan was found from his house. The evidence available against the applicant is that, she firstly informed her father about foul smell emanating from the house of Chandan Yadav and that the applicant was having illicit relations with the deceased. In the present case, the weapon i.e. the knife used in the present crime is recovered at the instance of co-accused Anil Pande. Prima facie apart from the aforestated circumstances, there is no other evidence available against the applicant on record. In view of the same, I am inclined to release the applicant on bail. Hence the following order.

Hence, the following order.

ORDER

- (a) The applicant be released on interim bail in C. R. No. 32/2015 registered with Malvani Police Station, Mumbai on his furnishing P. R. Bond of Rs. 25,000/- with **one or more solvent sureties** in the like amount.
 - (b) After her release from the jail, the applicant shall attend the Malvani Police Station, once in a month on every first Monday in between 11.00 a. m. to 3.00 p.m. till filing of the charge-sheet.
 - (c) After filing of the charge-sheet the applicant shall attend the Trial Court once in three months on first Monday of the said month between 11.00 a.m. to 3.00 p.m. and shall also attend all the Courts dates before the Trial Court.
 - (d) Any two consecutive defaults will attract the provisions for cancellation of bail.
4. The application is allowed on the aforesaid terms.

(N.W. SAMBRE, J.)