

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2477 OF 2015**

Sarika Rajendra Shinde

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kocharekar i/b Mr. Ganesh Manohar Mohite for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
MONDAY, 4th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks her enlargement on bail in connection with C.R. No. 228 of 2015 registered with the Nigadi Police Station, Pune, for the alleged offences punishable under Sections 363, 302, 201 of the Indian Penal Code.
3. A missing complaint was lodged on 10th May, 2015 by Surjitsing Gulabsing Sing with the aforesaid Police Station. He has stated

that his daughter Arpita was missing from the house and the said complaint was lodged as against an unknown person. During the course of investigation, the present applicant was arrested.

4. Learned Counsel for the applicant submits that the prosecution case rests on circumstantial evidence and that there is no material to connect the applicant with the alleged offence. He submitted that the applicant has been arrested only on suspicion. He submitted that the dead body was found on 12th May, 2015 from the store room of the house of the applicant's father-in-law and that too on an information which was received by a Corporator of that area that there was some odour emanating from there. He submitted that though the applicant is alleged to have shown the spot on 18th May, 2015, the same is not incriminating, inasmuch as, the spot was already known to the police, on 12th May, 2015. He submitted that there is no other circumstance either of last seen or recovery of any weapon at the instance of the applicant.

5. Learned A.P.P does not dispute the fact that apart from showing the spot from where the body was recovered, there is no material against

the applicant in the form of last seen or recovery of any weapon or article at the behest of the applicant.

6. Perused the charge-sheet. It appears *prima facie* that the only circumstance against the applicant is showing of the spot from where the body was recovered. There is no evidence in the form of last seen or recovery of any weapon or article at the instance of the applicant. Considering the aforesaid, the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant Sarika Rajendra Shinde be released on bail in connection with C.R. No. 228 of 2015 registered with the Nigadi Police Station, Pune, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Nigadi Police Station, Pune, once in a month on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. for a period of one year from her release;

(iii) The applicant shall not attempt to contact or influence the complainant or any witness concerned with the case;

(iv) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.