

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1172 OF 2017

Anubha @ Zilik Sanjay Hajara	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Akash Naik for Naik Patil Salvi and associates for the applicant.

Mr.S.V.Gavand,APP for the State.

CORAM: A.M. BADAR, J.
DATED: 8th DECEMBER, 2017

PC:-

1. The applicant/accused who is wife of deceased Sanjay Prabhas Hazara by this application is seeking her release on bail during the pendency of the Session Case No.128 of 2016 arising out of the Crime No. I-346 of 2015 for the offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.

2. Heard the learned advocate appearing for the applicant/accused. He argued that the investigation of the

crime in question is over and there is no possibility of the applicant tampering the evidence of the prosecution. She is having a young daughter and therefore for taking care of her daughter, the applicant needs to be released on bail.

3. The learned APP opposed the application by submitting that the case is based on circumstantial evidence which is complete in all respect pointing guilt of the present applicant and as the offence is punishable either with death or imprisonment of life, no case is made out for bail.

4. I have carefully considered the rival submissions and also perused the relevant record. The crime in question is registered on the basis of report lodged by Dagdu Ahire Assistant Sub Inspector of Police, upon finding a dead body at about 8.45 a.m. of 24.11.2015 near Akruti Chawl.

5. It is seen that during the course of investigation, the dead body was found to be that of Sanjay Hajra who was

residing in room No.3 and 4 of Akruti Chawl. The post mortem report shows that he died homicidal death and his neck was slit during the course of the incident.

6. According to the prosecution case, the present applicant, who is wife of the deceased was having illicit relations with co-accused Sanjeeb Sinaroy a neighbour residing adjacent to the house of the present applicant as well as the deceased. It is the case of the prosecution that in the night intervening 23.11.2015 and 24.11.2015, the present applicant called co-accused Sanjeeb Sinaroy in evening hours to her house stealthily. That is how co-accused Sanjeeb Sinaroy entered in the house of the present applicant and hide himself in one of the room of the said house. After, Sanjay Hajra (since deceased) returned to his house, his wife i.e. the present applicant asked him to go into the said room where co-accused Sanjeeb Sinaroy was hiding himself. When Sanjay Hajara entered in the room adjacent to the hall of his house,

co-accused Sanjeeb Sinaroy pounced upon him and slit throat of Sanjay causing his death.

7. During the course of the investigation, the spot of the incident, that is house of the present applicant was inspected. The room adjacent to the hall of the said house was found to be stained with blood. The investigator has collected earth as well as sand mixed with blood from the said room. Gown of the present applicant containing blood stains of red coloured is also seized. Scratching from the window having red colour stains were collected so also the blood stained sack was found in the house was seized.

8. A witness named Anil found co-accused Sanjeeb Sinaroy throwing dead body of Sanjay Hajara near Akruti chawl in the night intervening 23.11.2015 and 24.11.2015. This witness has identified the co-accused during test identification parade. Moreover, neighbours are speaking

about illicit relations of the present applicant with co-accused Sanjeeb Sinaroy.

9. The incident in question happened in the residential house of the present applicant which she used to share with her husband i.e. deceased Sanjay Hajara. The circumstantial evidence connect the applicant with the crime in question which is punishable either with death or life imprisonment . Hence, no case for bail is made out. Therefore, the application is rejected.

(A.M. BADAR, J)