

Anand

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

BAIL APPLICATION NO.1469 OF 2017

Savita Dattatraya Kate

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.P.Darandale, Advocate, for the Applicant

Mr.S.R.Agarkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C.R.No.285 of 2016 registered with the Warje Malwadi Police Station, Pune, for the alleged offences punishable under Sections 302, 341, 120B r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that there is no material to connect the Applicant with the alleged offences. He submitted that the only allegation against the Applicant, is that she handed over the mobile phone of accused No.4 (wife of the deceased) to

accused No.1- Ashish Nalawade. He submitted that there is no witness, who has disclosed the said fact.

4. Learned APP is unable to show any material to connect the Applicant with the alleged offences.

5. Perused the papers. It appears that the original accused No.1 – Ashish Nalawade was having an affair with accused No.4 – Suvarna (wife of the deceased – Bajrang Bharam). It appears that due to the said relations, Bajrang would assault his wife. Pursuant thereto, it is alleged that all the accused hatched a conspiracy and killed – Bajrang on 10.06.2016. The only allegation as against the Applicant, a friend of accused No.4 - Suvarna is, that she handed over the accused No.4's mobile to accused No.1 - Ashish. The said fact, is also not borne out by the statement of any witness, but, is only mentioned in the police report. There is no other material to show that the Applicant conspired with the other co-accused.

6. Considering the role of the Applicant and the material qua the Applicant, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.10,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iii) The Applicant to cooperate with the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)