

Anand

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

BAIL APPLICATION NO. 1700 OF 2017

Gajshri w/o. Pandurang Phad .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Rajeev Patil, Senior Counsel a/w. Mr. H. Patel, for the Applicant
Ms Pallavi Dabholkar, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 11.12.2017

P.C.

. This is an Application under Section 439 of Cr. P.C. for bail in CR No. I-22 of 2017 registered with Manor Police Station, District - Palghar under Sections 302, 120B r/w 34 of the Indian Penal Code.

2. Heard the learned senior counsel for the Applicant and the learned APP for State. Perused the entire charge-sheet.

3. The name of deceased is Pandurang Phad. The Applicant is the wife of deceased Pandurang Phad. It is the case of prosecution that the Applicant was having an extra marital affair with Ankush Surnar. After it came to the knowledge deceased Pandurang Phad that the Applicant is having illicit relations with the said person, he started harassing her and subsequently got addicted to liquor. The deceased was

also pressurizing the Applicant to perform his marriage with her younger sister and on the said two counts, the deceased was constantly mentally and physically harassing the Applicant. That the Applicant being fed up with the said constant harassment, decided to commit murder of Pandurang Phad and thereafter, in conspiracy with accused Nos. 1 & 2 namely Shivaji Gaikwad and Kailas Gaikwad respectively committed murder of Pandurang Phad. It is the further prosecution case that, for committing murder of Pandurang Phad, the Applicant gave a sum of Rs. 10,000/- to accused No. 1 Shivaji Gaikwad. That accused Nos. 1 & 2, thereafter, called the deceased on 20.02.2017 and lured him to come with them to Gujarat. That when the deceased was under the influence of liquor, it is alleged that the other two accused persons strangled him and committed his murder. During the course of investigation, the Applicant came to be arrested on 23.02.2017 and after completion of investigation, police have submitted charge-sheet.

4. The record indicates that, *prima facie* apart from strong motive to commit murder as alleged against the Applicant, there is no other material on record to connect the Applicant with the said crime.

5. In view thereof, the Applicant can be released on bail.

Hence, the following Order:

(i) The Applicant be released on bail in CR No. I-22 of 2017

registered with Manor Police Station, District - Palghar on his furnishing PR bond of Rs. 25,000/- with one or two local solvent sureties in the like amount.

(ii) After his release from the jail, the Applicant shall attend the concerned Police Station on every 1st Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of trial.

(iii) Applicant shall also attend all the dates before the trial Court.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)