

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2628 OF 2017

Sangita Swapnil Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Nitin Sejpal for the applicant.
Ms.Veena Shinde, APP for the State

CORAM: A.M. BADAR, J.
DATED: 24th NOVEMBER 2017

PC:-

1. The applicant/accused in Crime No.I-334 of 2015 registered with police Station Nerul for the offences punishable under Sections 302 and 120(B) of the IPC, by this application is seeking her release on bail during the pendency of the trial.

2. Heard the learned advocate appearing for the applicant as well as the learned APP appearing for the State. The learned APP argued that as the present applicant was having illicit relations with main accused Salman, she hatched a

conspiracy to eliminate her husband and that is how her husband Swapnil was done to death by accused person.

3. I have carefully considered the rival submissions and also perused the entire charge-sheet.

4. Present applicant Sangita is wife of Swapnil Namdeo Patil (Since deceased). The FIR of the crime is lodged by Jitendra Mhatre, who is maternal uncle of deceased Swapnil Patil. The first informant reported that on getting information regarding sustaining injuries by Swapnil he went to D.Y.Patil hospital, Nerul and found dead body of Swapnil. First informant Jitendra Mhatre suspected one Mahesh Thakur by alleging that present applicant Sangita, who is wife of deceased Swapnil was having illicit relations with said Mahesh Thakur.

5. Statements of relatives of deceased Swapnil including those of his father and brothers shows that initially the

present applicant had illicit relations with one Mahesh and subsequently she developed illicit relations with co-accused Salman, who is resident of Karad in Satara District. Statement of Sandip Gaikwad-brother of the present applicant also discloses this position.

6. The incident of commission of murder of Swapnil took place in the evening of 1.12.2015. Statement of Sandip shows that in the morning of that day, co-accused Salman and his two friends had been to their house and his mother had a talk with them. Statement of prosecution witnesses did not show that on 1.12.2015, the present applicant was in contact with co-accused Salman. Shevanta Gaikwad, mother of the present applicant, who met with co-accused Salman and his friends on the day of the incident is directed to be released on bail by this Court vide order dated 8.8.2017 in bail application No.282 of 2017 (Coram:-Revati Mohite Dere, J). Prima facie though there is evidence of illicit relations of the present applicant with co-accused Salman there is no prima facie

evidence to infer conspiracy by the present applicant. Mother of the present applicant i.e. Shevanta Gaikwad against whom there are serious allegations is directed to be released on bail by this Court . In this view of the matter, the following order:-

ORDER

- i) The applicant/accused in crime No.I-334 of 2015 registered with police Station Nerul for the offences punishable under Sections 302 and 120(B) of the IPC is directed to be released on bail on executing P.R bond of Rs.20,000/- and on furnishing one or two sureties in the like amount.
- ii) The applicant should not tamper with the prosecution evidence
- iii) The applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

- iv) On request of the learned advocate appearing for the applicant, initially for a period of 6 weeks, the applicant is directed to be released on furnishing cash security in order to enable her to arrange for these sureties.
- v) The application stands disposed of accordingly.

(A.M. BADAR, J)