

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.1022 OF 2017

Jaya w/o Arun Sharma, Pawan Shakti Nagar, Near Swaraj Convent, Nandanwan, Nagpur

-vs-

State of Maharashtra, Thr. PSO, PS Nandanwan, Dist. Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri C. R. Thakur, Advocate for applicant.

Shri K. L. Dharmadhikari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 22, 2017

The applicant who has been arrested on 19/04/2017 in connection with Crime No.123/2017 registered at Police Station Nandanwan, Dist. Nagpur for the offence punishable under Sections 364 read with 34, 302, 201, 120(B) of the Indian Penal Code seeks her release on bail.

As per the First Information Report dated 17/04/2017 one Likesh Sathwane was found missing and hence on a next day a missing report was lodged by his mother. Thereafter on 17/04/2017 further report was lodged stating that prior to about two and half months there was some misunderstanding between her son and the present applicant. The applicant at that time had given threats to her son. On the basis of suspicion that applicant was behind his disappearance, a report came to be lodged. During investigation it was found that said son had been done away and the applicant along with other accused came to be arrested.

It is submitted on behalf of the applicant that she has been implicated merely on suspicion. The only material against her is the statement recorded under Section 27 of the Evidence Act of one Gopal Bisen while discovering the body of Likesh. In that statement it is stated that the applicant had given an amount of Rs.1 lakh to him for doing away with said Likesh. It is then submitted that role of present applicant is alleged to be distinct from other accused who have actually assaulted the deceased. In absence of any admissible evidence being collected by the prosecution, the applicant is entitled for bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that in view of earlier disputes with the deceased there was no motive on the part of the applicant to do away with him. The applicant had mortgaged gold ornaments at that point of time for collecting the amount to paid to accused No.1. Considering the seriousness of offence, applicant does not deserve to be released on bail.

Perused the First Information Report as well as the statements forming part of the charge-sheet. In so far as present applicant is concerned, the material against her is the statement recorded under Section 27 of the Evidence Act. While discovering the body of the deceased a reference is made to payment of Rs.1 lakh by the applicant. Admissibility of this part of statement is a matter to be considered at the trial. The other material is in the form of statement of

Goldsmith Chandrakant. He has stated that the gold ornaments were mortgaged for Rs.36,000/- by the applicant.

Considering the fact that charge-sheet has now been filed and the nature of evidence against the present applicant is principally the statement of accused No.1 under Section 27 of the Evidence Act, a case for her release on bail is made out subject to conditions.

Accordingly the applicant Jaya w/o Arun Sharma who has been arrested on 19/04/2017 in connection with Crime No.123/2017 registered at Police Station Nandanwan, Dist. Nagpur for the offence punishable under Sections 364 read with 34, 302, 201, 120(B) of the Indian Penal Code, is directed to be released on bail on furnishing PR Bond of Rs.30,000/- (Rupees Thirty Thousand) with one surety in the like amount.

The applicant after her release on bail shall not enter the jurisdiction of Police Station Nandanvan till completion of trial and shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

Pending misc. applications are disposed of accordingly.

JUDGE