

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

BAIL APPLICATION NO. 697 OF 2018

Rupali Dilip Waghmare

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Dilip Bodake a/w. Ms. Shraddha Pawar for the applicant.

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

Mr. D.G. Jagdale, Dy.S.P., Mangalwedha.

Mr. M.D. Kamble, Police Constable, Mangalwedha Sub-division,
Sangola Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th AUGUST, 2018.

P.C.:

. This is an application for bail under section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.658/2017 registered at Sangola Police Station, District Solapur for offences punishable under sections 302, 363, 325, 120-B r/w. 34 of the Indian Penal Code and section 3(2)(VA) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard Mr. Dilip Bodake, learned counsel for the applicant. He submits that the applicant has no complicity in the alleged crime and

that she has been implicated solely on the basis of the statement of the co-accused. Mr. S.R. Agarkar, learned APP for the State contents that the applicant is involved in a heinous crime. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The first information report was lodged by the applicant, the mother of the deceased Ganesh. A perusal of the first information report indicates that on 02/09/2017 at about 07:00 a.m., the applicant and others had gone to attend funeral of her father-in-law Bapu Waghmare. At about 08:30 a.m., she had seen accused Bhagwantrao Patil taking her son Ganesh on his motor cycle and proceeding towards village. On same date, at about 10:00 a.m., Archana Ovhal informed the applicant that she had received a message from Vishal Torne that Ganesh had fallen in a well. The present applicant immediately went to the house of Archana Ovhal and thereafter, she alongwith Vishal and his sister went to the place of the incident. She saw the body of Ganesh which was kept near the well. His clothes were dry and he was bleeding through nose and ears. She suspected that the co-accused/Bhagwantrao Patil was involved in committing murder of her son and hence, lodged the first information report.

4. In the course of investigation, it was revealed that the first informant was having illicit relationship with Vishal @ Navnath and that the deceased had learnt about their relationship. Accordingly, the applicant and the said Vishal @ Navnath were arrayed as accused. It may be mentioned that apart from the fact that the applicant was having extra-marital relationship with the co-accused Vishal @ Navnath, there is no other *prima facie* material to show her involvement in commission of the crime.

5. Considering the above facts and circumstances, vis-a-vis nature of allegations against the applicant, in my considered view, this is a fit case for grant of bail. Hence, the following order :-

(a) Bail Application is allowed.

(b) The applicant is ordered to be released on bail in C.R.No.658/2017 on furnishing fresh bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount, to the satisfaction of Sessions Court, Pandharpur.

(c) The applicant shall furnish her permanent address, temporary address, if any and all her contact details to the concerned Court.

(d) The applicant shall not change her residential address without prior intimation to the Investigating Officer.

(e) The applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)