

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

BAIL APPLICATION NO. 1292 OF 2018

Rama Satish Mantena	... Applicant
Vs.	
The State of Maharashtra	... Respondent

...

Ms. Tahera Qureshi for the applicant.
Ms. G.P. Mulekar, APP for the Respondent-State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 27th AUGUST, 2018.

P.C.

1. This is an application for bail. The applicant was arrested on 30th March, 2017 in connection with CR No. I-75 of 2017 registered with Bhiwandi Police Station for offence under Section 302 of Indian Penal Code. FIR was registered on 5th March, 2017.
2. The case of the prosecution is that the applicant was having illicit relationship with co-accused. Husband of the applicant was found dead on 4th March, 2017. The First Information Report was lodged by the daughter of the applicant. There is no eye witness to the incident. It is alleged that the deceased was murdered by using screw driver.
3. Investigation is completed and the chargesheet has been

filed. Learned advocate for the applicant submitted that there is no cogent evidence against the applicant. She is being implicated on the basis of inference. There is no eye witness to the incident. Except stating that the murder took place in the house of the applicant there is no corroborative evidence to show involvement of the applicant in the said crime. The co-accused was arrested and has been granted bail by the Sessions Court.

4. Learned APP submitted that there is circumstantial evidence against the applicant. The applicant was in relationship with co-accused and both of them had murdered the deceased. The deceased was the husband of the applicant. The co-accused and applicant are residing in the same residential building. The co-accused was seen in the vicinity at about 2.30 am in the night. The applicant could not explain as to how the deceased was murdered when she was in the house at the time of alleged incident.

5. It is noted that the applicant is in custody from 30th March, 2017. The case is based on circumstantial evidence. There is no eye witness to the incident. The co-accused with whom she had alleged relationship was arrested and granted bail. No weapon is recovered from the co-accused. There is no recovery of

incriminating material at the instance of the applicant. In the circumstances, only on the basis of allegations that there is illicit relationship between the applicant and the co-accused, the applicant cannot be kept in custody. The investigation is completed and the chargesheet has been filed.

6. Taking into consideration the aforesaid circumstance bail can be granted to the applicant on certain terms and conditions.

ORDER

- i) Bail Application No. 1292 of 2018 is allowed.
- ii) The applicant is directed to be released on bail in CR No. C.R. No. I-75/2017 registered with Bhiwandi Police Station which is subject matter of Sessions Case No. 282 of 2017 pending in the Court of Sessions Thane on furnishing PR Bond of Rs.20,000/- with one or more sureties in the like amount.
- iii) Applicant is permitted to furnish cash security in the sum of Rs.20,000/- for a period of eight weeks from the date of her release;
- iii) Applicant shall report at Bhiwandi Police Station once in a month on first Saturday between 10 a.m. to 12 noon till further order;

- iv) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- v) The application stands disposed off.

Digitally
signed by
Sachidanand
Kuttan Nair
Date:
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(PRAKASH D. NAIK, J.)