

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

CRIMINAL APPLICATION (BA) NO.605 OF 2018

(Anita wd/o Moreshwar Wankhede Vs. State of Maharashtra thr. PSO PS Bajaj Nagar,
Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri R.M. Daga, Advocate for Applicant.
Shri T.A. Mirza, APP for Respondent-State.

CORAM: ROHIT B. DEO, J.

DATE: 4th JULY, 2018.

The applicant and six others are charge-sheeted for offence punishable under section 302, 120(B) and 201 read with section 34 of the Indian Penal Code.

The applicant – woman who is a teacher with no criminal antecedents is in custody since 04.11.2017.

The deceased Shri Moreshwar Wankhede was the husband of the applicant and the father of co-accused Smt. Sayali Yadav. The case of the prosecution is that due to domestic disputes the applicant and Sayali decided to eliminate Shri Moreshwar Wankhede. One Shubham, who according to the prosecution is in relationship with Sayali, was roped in. Shri Shubham agreed to execute the plan of murdering Shri Moreshwar Wankhede and conveyed to Sayali and the applicant that an amount of Rs.5 lakhs will be needed to do the needful. The prosecution case is that an amount of Rs.20,000/- was paid to Shubham who took the help of the other co-accused to execute the plan. Shri Moreshwar was murdered in the early morning

of 03.11.2017 by the co-accused Sagar Bawari, Shashikant Chaudhari, Ankit Katewar and Ankush Badge. In so far as the present applicant is concerned, the only material pressed into service in support of the charge of conspiracy is withdrawal an amount of Rs.20,000/- from her ATM on 16.09.2017. Other than the said withdrawal, there is no material which can translates into evidence, to connect the applicant with the crime.

The applicant is a teacher with no criminal antecedents and 18 years old son who is in college, to take care of. Considering the material on record, continued incarceration of the applicant is not justified. The applicant is not likely to flee away from the course of justice. I do not see any reason why she should languish in jail.

The application is allowed.

The applicant be released on furnishing personal bond of Rs.15,000/- with a solvent surety of the like amount.

The applicant shall attend the dates of hearing regularly.

The applicant shall not tamper with the evidence nor shall the applicant directly or indirectly attempt to influence the witnesses in any manner.

The application is disposed of accordingly.

JUDGE