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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.76 OF 2019

Dipali Dilip Pawar ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Rahul S. Kate with Dhanesh Patekar for the applicant.

Mr.S.S.Hulke, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 22, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. After his arrest on April 17, 2018, in crime No.52/2018 for offence punishable under sections 302, 120B read with 34 of the Indian Penal Code registered with Khopoli police station, Raigad, the applicant came to be charge-sheeted.

3. The prosecution case is, the present applicant and accused No.1 are husband and wife whereas accused No.3 is the nephew. Applicant-Accused was having illicit relations with the

victim and as such a conspiracy was hatched to kill the victim resulting into his death.

4. From the statement of the police officer, seizure of mobile of the victim from the custody of accused No.1 and the investigation as reflected in the charge-sheet, is *prima facie* sufficient to connect the applicant to the crime in question.

5. The role attributed to the applicant cannot be equated at par with the role of accused No.3. Motive can be inferred from the prosecution case as against the present applicant. That being so, no case is made out for grant of regular bail. As such, the application stands rejected.

6. Liberty is granted to the applicant to approach before the Sessions Court, if the charge in the case is not framed within a period of six months from today.