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

CRIMINAL BAIL APPLICATION NO.486 OF 2019

Shakuntala Umeshchandra Gupta	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.V.Marwadi i/b Mr.N.M.Nadar, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

API – S.R.Dhayarkar, Waliv Police Station, Thane Rural is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd AUGUST, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks her enlargement on bail in connection with C.R.No.I-162 of 2018 registered with the Waliv Police Station, Palghar, for the alleged offences punishable under Sections 302, 201, 120-B, 181, 193 r/w 34 of the Indian Penal Code.

3. Perused the papers. The prosecution case rests on circumstantial evidence. According to the prosecution, the incident took place in the intervening night of 15th and 16th February, 2018. It is alleged by the prosecution that the applicant alongwith co-accused – Kamlesh Gupta with whom she was having illicit relations conspired to kill the applicant's husband i.e. Umeshchandra Gupta. According to the prosecution, the applicant and co-accused – Kamlesh strangulated the deceased and killed him. The cause of death was stated to be "Death due to asphyxia with evidence of ligature and contusions at neck with multiple underscalp contusions. Vicera kept for C.A." It is not in dispute that co-accused – Kamlesh Gupta has been enlarged on bail by this Court (Coram:Prakash D. Naik, J.), vide order dated 28th January, 2019, passed in Criminal Bail Application No.2253 of 2018. The only strong circumstance as against the applicant is that she was present at the house and that she gave a false statement to the police, with regard to the demise of her husband. The applicant is in custody since February, 2018. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant in the Registry of the trial Court, within two weeks of her release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

5. The Application is allowed and disposed of in above terms.

6. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.