

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

**ANTICIPATORY BAIL APPLICATION NO.1398 OF 2019**

Kavita d/o. Bhikuchand Kubde

.... Applicant

versus

The State of Maharashtra

.... Respondent

- Mr. J. M. Gandhi, Advocate for the Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent.
- Mr. Uddhav Raysing Khade, API, Hinjewadi Police Station present.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 8<sup>th</sup> JULY, 2019**

**P.C. :**

1. The applicant is apprehending her arrest in connection with C.R. No.541/2019 registered with Hinjewadi Police Station under Section 302 and 201 of IPC.

2. The FIR is lodged on 13/4/2019 by PI Khade attached to Hinjewadi Police Station. It is mentioned in the FIR that police were investigating ADR No.152/2019 under Section 174 of Cr.P.C. in respect of death of one Sangita Hiwale. The deceased had died

on 9/9/2018. There was one incident wherein the car bearing No.MH14-AM-3709 had caught fire on Service Road near Sayaji Hotel, Mumbai Bangalore Highway. Apparently, the deceased had died because she was in the car and the car had caught fire. The circumstances leading to her death were suspicious and therefore the police carried out investigation in more depth. The police interrogated the brother of the deceased named John Borde. It is the case of the prosecution that deceased was in need of money and she requested John to help her. However, there was quarrel between them and in that quarrel John in a fit of rage banged her head against the floor of his house. The deceased remained motionless there on the floor. Accused John get scared and left that place. After some time, he received a phone call from his wife telling him that Sangita was not making any movement and was lying still. The accused John decided to show that her death was accidental. He also thought of procuring Rs.30 Lakhs of her insurance policy. Therefore, he put deceased in his car, took his mother and Sangita's son with him and made a show of going to various hospitals to admit the deceased but did not admit her in

any hospital. He took the car to a secluded spot on a Service Road. On some pretext, asked his mother and nephew to get down from the car. When they were standing at some distance, he poured kerosene on Sangita and set her on fire. The car itself caught fire. John tried to show that Sangita died because of that accident. However, the investigation revealed that John was responsible for her death and therefore, FIR was lodged.

3. Heard Mr. Gandhi, Ld. Counsel for the applicant and Mr. Jadhav, Ld. APP for the State.

4. Mr. Gandhi submitted that applicant is apprehending her arrest in connection with this offence. Ld. Counsel for the applicant rightly pointed out that by no stretch of imagination, she can be said to be connected with the alleged offence. The story in the FIR is clear enough. The prosecution case explains under what circumstances the accused John had banged the head of the deceased on the floor and what had happened between the brother and sister. No third person was involved.

5. Ld. APP has opposed this application on a specious plea that the present applicant was in relationship with the accused John and that the flat where offence took place belonged to her. It is really difficult to understand this contention of the Investigating Agency. Allegations that the said flat was owned by the applicant is disputed by Ld. Counsel for the applicant. It is difficult to see how the applicant was responsible for offence committed by John. Therefore, at this stage, there is no material to connect the present applicant with the alleged crime. Hence, the applicant deserves protection of anticipatory bail. Hence, the following order.

### **ORDER**

1. In the event of her arrest in connection with C.R. No.541/2019 registered with Hinjewadi Police Station, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in like amount.

2. If during investigation any concrete

material is found against the applicant by the Investigating Agency, the prosecution is at liberty to make application for cancellation of anticipatory bail granted to her.

3. The application is disposed of in the aforesaid terms.

**(SARANG V. KOTWAL, J.)**