

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

BAIL APPLICATION NO.3051 OF 2018

Maya Sham More

...Applicant

Vs.

State of Maharashtra

...Respondent

**Mr. Satyavrat Joshi a/w. Sumant Deshpande, for the Applicant.
Mr. Prashant Jadhav, for the State.**

CORAM : SARANG V. KOTWAL, J.

DATE : JULY 01, 2019

P.C.:

1. The applicant is seeking bail in connection with C.R. No.390/2016 registered with Hadapsar Police Station under Section 302, 342, 363, 364, 365, 201 r/w. 34 of IPC.

2. The prosecution case in short is that one Madhu Thakur had delivered a baby boy around June 2016. The accused Nikita and Laxmi on some pretext brought her to Nikita's room with the help of present applicant. Madhu was murdered by strangulation. Her body was concealed in a nearby room in

possession of one Attar. The motive was to abduct the boy and to sell him for money. The boy was kept at a distant place. Laxmi and that boy occupied that room till the police came there. The husband of deceased Madhu lodged FIR about missing of his wife and child. The applicant was arrested on 19/6/2016.

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

4. The case is based purely on circumstantial evidence. Shri. Joshi pointed out that one of the accused was granted bail by this Court. He invited my attention to the order passed by this Court (Coram : Smt. Sadhana S. Jadhav, J.) on 23/1/2018 in Criminal Bail Application No.1844/2017. Co-accused Akash Udanshu was granted bail. Shri. Joshi submitted that present applicant also deserves to be released on bail on the ground of parity.

5. I have gone through the entire chargesheet which is

annexed to the application. The investigation is already over. The main circumstances against the present applicant are about her activities prior to and after the crime. According to the prosecution evidence, murder was committed somewhere between 11.00 a.m. to 4.30 p.m. on 17/6/2016. There is evidence of eye witnesses who have seen the deceased Madhu and her child being taken on some pretext by Nikita and Laxmi to Nikita's house. The main evidence against the present applicant is in respect of statement of one Sameer Shaikh, one Mushtaq Shaikh and one Mehboob Shaikh. All of them were working or residing in the vicinity of Nikita's room. Incidentally, the present applicant was also residing in the neighbouring room.

6. Witness Sameer Shaikh has stated that, on 17/6/2016 at 11.00 a.m., he had seen Nikita, Laxmi and deceased Madhu alongwith her child going towards Nikita's house. They entered the house and within a short time even the applicant went inside Nikita's house. Thereafter, the door of the house was closed. It was opened only at 5.00 p.m. He had seen Nikita and Laxmi going

in a hurry from that house at around 7.30 p.m. Witness Shehnaz Shaikh has stated that around 7.00 or 7.30 p.m. on 17/6/2016 he had seen Nikita and Laxmi going away in a hurry from Nikita's house. Witness Mushtaq Shaikh has stated that on 17/6/2016 at 11.00 a.m. he had seen the applicant sitting in Nikita's room when Nikita, Laxmi, deceased Madhu and her child entered that room. At 4.30 p.m. he had seen the applicant, Nikita and Laxmi together near Nikita's house. Witness Mehboob Shaikh similarly stated that on 17/6/2016 at about 11.00 a.m. he had seen the applicant sitting in Nikita's room. He had seen that Nikita, Laxmi and deceased Madhu alongwith her child had entered that room. He had seen the applicant leaving the house at around 5.30 p.m. in a frightened state. The FIR also shows that the dead body was discovered at the instance of accused Nikita. Thus, the prosecution evidence shows that in the morning, applicant was waiting in Nikita's house when the deceased alongwith her child was brought by Nikita and Laxmi in that house. The statement of one witness shows that in the evening the applicant was seen leaving that house in a frightened state. According to the prosecution case,

the murder had taken place in that house, between that period. The PM notes show that the deceased had died because of strangulation. Thereafter, the body was discovered at the instance of accused Nikita from a nearby room. All these factors show that the present applicant was part of the conspiracy as she was waiting for Nikita and Laxmi to bring the deceased in that room. She had left the room in a frightened state. At this stage, it is sufficient to connect the applicant with the crime. The offence is very serious. The evidence against the accused who is granted bail by this Court falls much short than the evidence against the present applicant. Hence, the principle of parity will not apply in favour of present applicant. Considering all these aspects, the application is rejected.

(SARANG V. KOTWAL, J.)