

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

**CRIMINAL BAIL APPLICATION NO. 1441 OF 2019**

Sonali Balasaheb Javale ...Applicant

V/s

The State of Maharashtra ...Respondent

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Mr. Aniket Nikam a/w. Piyush Toshnival for the applicant.  
Smt. Geeta P. Mulekar, APP for the State/respondent.

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 15<sup>th</sup> JANUARY, 2020.**

**PC :**

1. The applicant is arrested in C.R. No. 288 of 2018 dated 10<sup>th</sup> June, 2018 registered with Hinjewadi Police Station, Pune, for the offences punishable under Sections 302, 397 r/w, 34 of the Indian Penal Code, 1860 ('IPC' for short).

2. Prosecution case is that, the complaint was lodged by Datta Vasant Bhondve, alleging that on 9<sup>th</sup> June, 2018 at about 8.30 p.m., the complainant, his wife and son were returning home, since the complainant was suffering from vomiting and loose motion. He stopped his car near Bhoomkar Chowk and purchased medicine from the medical store. Thereafter, he proceeded towards the residence by

highway alongwith his wife and eight months old son. The complainant felt like vomitting and hence he stopped his car on the side of the road and got down from the vehicle. At that time two unknown persons sat on the rear sit of his car. One of them pointed out knife on the neck of the complainant. Other person pressed the mouth of his wife with handkerchief. She fell unconscious. The said person also pressed the mouth of complainant with handkerchief. However, he was not unconscious. The complainant was told to proceed further with the car. Thereafter the accused told him to stop the car. One of them had tied neck of his wife. His son started crying. Person sitting on the rear seat closed the mouth of son by handkerchief. The complainant tried to get down from the vehicle. The person sitting on the rear sit assaulted the complainant by blow on his head and back by some weapon. The complainant was tied to the seat of the car. He was unconscious. He regained consciousness at around 11.00 p.m. The phone of his wife was ringing. Caller was brother of complainant. The complainant told about incident. Some people came near the vehicle. They were taken to the hospital. The accused took away mobile phone and cash of Rs. 50,000/- the gold chain from the person of the complainant and Mangalsutra

of his wife. The wife and son of the complainant were declared dead. The FIR was lodged. During the course of investigation, it was revealed that the complainant is involved in the crime. He was impleaded as accused. During the course of investigation, involvement of the applicant and the other accused was also revealed. The applicant was arrested on 10.06.2018. He was produced before the Court. He was remanded to custody. The prosecutions case against the applicant is that the she was conspirator with accused Datta Bhondve and others in committing murder of victims. Datta Bhondve who was the original complainant was arrested. Three other persons were also arrested. On completing investigation, charge-sheet is filed.

3. Learned counsel for the applicant submitted that, there is no evidence against the applicant. There is no eye witness to the incident. The case is based on circumstantial evidence. The applicant is arrested on suspicion. There is no evidence to show that the applicant had any motive to kill the victims. Although, the case of the prosecution is that the accused Bhondve was in relationship with the applicant, there is no evidence whatsoever nature to

establish the said fact. There is no exchange of messages, call records between the applicant and the accused-Datta Bhondve and the other arrested accused. On the contrary, the statement of witness Vrushali Thorat shows that Datta Bhondve was in relationship with her. The applicant is lady. Circumstances used against the applicant are weak. She is in custody for long time. The prosecution is relying on the circumstance that the applicant had ordered Chloroform through online. There is no evidence to establish that the chloroform was used in commission of crime. The post-mortem report is silent. The label found on the bottle was in torned condition. The link between bottle found with accused and one ordered by applicant is not established.

4. Learned APP submitted that there are strong circumstances against the applicant. The applicant had motive to commit murder. She had ordered chloroform through online. The said fact has been established through documentary evidence and the statement of witnesses. There is no explanation for ordering chloroform in the complaint. It was stated that the accused had used handkerchief. Accused pressed mouth of the deceased and the child. Deceased was unconscious. There are calls

between applicant and the co-accused. CDR supports the prosecution's case. The call records indicate that there were calls between the applicant/accused no. 2 and 3. There are strong circumstances to show the involvement of the applicant in crime. There are two victims in the case. The victims are lady and child aged about 8 months. Offence is of serious nature. The call records indicate that there were calls between the applicant and the co-accused before incident, on the date of incident and after the incident.

5. I have perused the material on record. Although, there is no eye witness to the incident. There are strong circumstances to show involvement of the applicant in crime. The offence is of serious nature. The victims are lady and minor child aged about 8 months. It is established that the applicant had ordered chloroform through online. The statement of the witnesses, the documents with regards to the placing the order of Chloroform and delivery supports prosecution's case. There is conversation between the applicant and the co-accused, which shows her communication with the co-accused relating to the crime. There was no reason to order chloroform. The statement of

witnesses establish that the applicant had ordered chloroform.

6. Documentary evidence establish the purchase of chloroform by the applicant on 11.05.2018 from Antares Chem Pvt. Ltd. She made payment of Rs. 4,500 through NEFT from her account in Oriental Bank of Commerce. She ordered chloroform from the aforesaid company at the address of New English School and Junior College, Hinjawadi. She is working in the said school. The incident is dated 09.06.2018. There is communication between Antares Chemical Pvt. Ltd., and the applicant from 11.05.2018 to 20.05.2018 about dispatch of Chloroform to the applicant. There is communication between the said company and the applicant dated 15.05.2018 revealed that chloroform was dispatch on the given address of applicant. On receipt of chloroform the applicant had communicated message Antares Chemical Pvt. Ltd. Deceased was obstructionist in the extra marital relationship of the accused Bhondve and it was decided to finish the child and the victim. There was conspiracy between the accused. Contract was given to accused no. 2 and 3. Statement of witnesses revealed the role of accused. Prima-facie there is

evidence to show involvement of the applicant.

7. Learned counsel for the applicant had contended that the statement of Vrushali Thorat recorded on 12.06.2018 shows that, she was in relationship with the accused Datta Bhondve. This fact is contrary to the prosecutions case and the applicant has no motive to liquidate the victim. Memorandum statement of Datta Bhondve was recorded and chloroform bottle, gloves, shoe of the child(victim) were recovered from him, which were concealed by him. Statement of Ramjan Baba Bhai Shaikh @ Rajan Jadhav dated 11.07.2018 refers to the fact that, in May 2018, he met Pawan Jadhav and Sawan Jadhav (Co-accused). Sawan Jadhav told him to accompany him to Tekadi. They went to New English School, Hinjawadi. Pawan Jadhav took them to New English School Office. One lady was sitting in the office. She gave her name Sonali Javle. She received a call from person. She took them near the gate of the school. One person was standing there. They went through four wheeler. Pawan Jadhav and Sawan Jadhav sat on the rear sit and Sonali Jadhav madam sat on the sit next to the driver. After they sat in the car, she asked Pawan Jadhav whether he has informed everything to the said witness.

He answered in affirmative. She stated that person who is driving the vehicle is Datta Bhondve had introduced him. She also stated that wife of Datta Bhondve and child has to be killed. Datta Bhondve asked Pawan Jadhav and Sawan Jadhav whether they would work. They decided to pretend that with the object of committing robbery, victim to be killed. The applicant said that she has ordered chloroform and by using that victim should be made unconscious. Datta Bhondve said he will bring his wife in the car and would stop the car on some pretext. Others should use chloroform and make her unconscious and then kill her. It was also decided that Datta Bhondve should be assaulted to pretend the robbery. Statement of Padma Mahajan shows that the applicant is working in the said school. Perused the conversation which is part of charge-sheet which disclose complicity of the applicant in crime. There is conversation between the applicant and the accused no. 2 and 3. The CDR records shows that she was continuously in contact with accused no. 2 and 3. The charge-sheet also contains conversation of applicant with some person, about need of goods for liquidating victim. She also in contact with accused Datta Bhondve. Thus, although the case is based on circumstantial evidence, there are strong circumstances

to show the involvement of the applicant in crime. Hence, no case for grant of bail is made out.

**ORDER**

- (i) Bail Application No. 1441 of 2019, is rejected;

**(PRAKASH D. NAIK, J.)**