

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

CRIMINAL BAIL APPLICATION NO.2936 OF 2019

Sitabai Babu Mondule

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. R. D. Suryawanshi, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent-State.

Mr. Ravindra Vaman Chaudhari, Local Crime Branch, Thane Rural, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th March, 2020

P.C.:

1. The applicant is seeking bail in connection with C.R.No.I-34 of 2016 registered with Kasara Police Station, Thane, for offences punishable under Sections 302, 201, 364, 365, 120(B), 506 r/w 34 of the Indian Penal Code ("IPC" for short). The applicant is arrested on 03rd September 2018.

2. The case of the prosecution is that, the applicant felt that the deceased had committed black magic on her husband due to which he has expired. She gave contract to the co-accused Babu Bhagat to kill deceased. The statement of two witnesses i.e. Kadam Ughade and Dundaram Shinge were recorded. Which shows that

co-accused Babu Bhagat and 4 to 5 others were forcing the deceased-Bharat to sit in the car, after which, deceased went missing.

3. On completing investigation charge-sheet is filed. The prosecution is relying upon the statement of Bhaskar Dhapte recorded on 10th July 2018. He has stated that in August 2016, Ramesh Dhapte had visited his house and informed him that the applicant wants to talk to him. On the way they met the applicant. She told him that her husband has been killed by Bharat Dhapte hence Bharat Dhapte should be killed. The witness Bhaskar refused to help her. The statement of Smt. Shevanti Dhapte was recorded on 23rd August 2018. She has stated that, the applicant had withdrawn money which was to be given to co-accused for executing the contract. The other circumstance is that, the visiting card of co-accused was found in possession of the applicant.

4. The co-accused Mahesh Nimse, Sunil Gaikar, Netaji @ Dhanaji @ Bala Takare had preferred an application for bail before this Court. The said application was allowed by order dated 18th September 2019 and 17th October 2019.

5. Learned APP submitted that the applicant had motive to liquidate deceased. She gave contract to the assailants to kill

deceased. The statements referred to above implicate the applicant. It is pertinent to note that, the statements of witnesses Bhaskar Dhapte and Shewanti Dhapte were recorded belatedly on 10th July 2018 and 23rd August 2018. There is no eye witness to the incident. Case is based on circumstantial evidence. There is no strong evidence to establish the complicity of the applicant. She is in custody from 03rd September 2018. Hence, case for grant of bail is made out.

ORDER

- (i) Bail Application No.2936 of 2019 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R.No. I-34 of 2016 registered with Kasara Police Station, Thane, on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned police station once in a month on every first Saturday between 11:00 a.m. to 01.00 p.m. till further orders;
- (iv) The Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)