

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

CRIMINAL BAIL APPLICATION NO.2973 OF 2021

Ranjana @Suchita Ramesh Ghag ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Rushikesh Kale i/b Mr. B. G. Tangsali, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

PSI – Kaimaraj Gawade, Dighi Sagari Police Station, Raigad, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th SEPTEMBER 2021

(THROUGH VIDEO CONFERENCING)

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. 34 of 2018 registered with the Dighi Sagari Police Station, Raigad, for the alleged offence punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that similarly placed co-accused – Suleman Tadvī (original accused No.1) and Majid Sakharkar (original accused No.3), have

been enlarged on bail by this Court (Coram : Sarang V. Kotwal, J.) vide orders dated 25th July 2019 and 27th January 2021 passed in Bail Application No.1279 of 2019 and Bail Application No.898 of 2020, respectively. He submits that the observations made in the said orders would also apply to the facts of the present case.

4. Learned APP opposes the application. She, however, does not dispute the fact, that the role of the applicant is similar to that of the aforesaid two co-accused who have been released on bail.

5. Perused the application. According to the prosecution, the applicant was having an extra-marital affair and illicit relations with Suleman Tadvī (original accused No.1). The deceased - Ramesh Ghag is the husband of the applicant. It is the prosecution case that the applicant alongwith accused Nos.1 and 3 committed the murder of Ramesh on 28th October 2018, near a crematorium at Diveagar. The FIR has been lodged by one Sandeep Chavan, a police constable attached to Dighi Sagari Police Station, Raigad. The prosecution case rests on circumstantial evidence. This Court (Coram : Sarang V. Kotwal, J.) vide orders dated 25th July 2019 and 27th January 2021 released co-accused – Suleman Tadvī (original accused No.1) and Majid Sakharkar (original accused No.3) on bail. The

said orders are on page 250 and 259 of the application,

6. This Court whilst considering the bail application of co-accused – Suleman Tadvī (original accused No.1) has in paras 11 and 12 observed as under:-

“11. I have considered their submissions. The witness Hamid Shardula obviously is a non reliable witness. As per his own admissions, he was blackmailing the accused. It is only after he failed to receive money, according to him, he had approached police and had narrated the incident. This witness can hardly be termed as a reliable witness.

12. In any case, the story narrated by these three witnesses Hamid Shardula, Shakil Akharware and Sharafat Akalekar does not appear to be probable. It is difficult to believe that accused No.3 Majid was just going on asking people including the applicant to commit murder. The other aspect of two witnesses Abdul Shardula and Shakil Akalekar having seen three persons including present applicant going towards the seashore does not take the prosecution case any further because these witnesses were not made to identify the accused No.2 as the lady who was accompanying those persons at that point of time. They were not even made to identify the person who was present on Scooty to be the deceased in this case. If it was the case of the prosecution that the deceased, accused No.2 and accused No.1 had gone together towards the seashore and thereafter the deceased was murdered

then, it was incumbent on the investigating agency to establish the identity of these three persons who were seen by those two witnesses. Therefore, even this circumstance does not carry much weightage. In so far as recovery of weapon-stick is concerned, it was found on the spot, which was accessible to all. Therefore, merely relying on that recovery, it is rather difficult for the prosecution to advance its case. Other circumstances are against the other accused and even those circumstances do not took prosecution case any further. In this view of the matter, considering very weak nature of evidence against the present applicant, he deserves to be released on bail.....”

7. As far as the applicant is concerned, there is recovery of blood stained clothes, from her house. There was recovery as against the other accused also i.e. recovery of a stick and iron rod, from both the accused. The role of the present applicant is at par with the other two co-accused who have been enlarged on bail, which fact is not disputed by the learned APP.

8. Considering the aforesaid, further detention of the applicant is not warranted. Accordingly, 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 executing PR 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 from 10:00 a.m. to 1:00 p.m. till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of her release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.