

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 814 of 2021

[Swati Narendra Pachpohar ..vs.. The State of Maharashtra through P.S.O., P.S. Ganeshpeth,
Dist. Nagpur]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C. R. Thakur, Advocate for the applicant
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 24-08-2021

The applicant is seeking bail in connection with Crime 76/2021 registered with Police Station, Ganeshpeth, Nagpur for the offence punishable under Section 302 of the Indian Penal Code.

2. Broadly, the accusation is that the applicant, who is the fourth wife of the deceased decided to eliminate the deceased and to the said end, hired a cab and went to the apartment, owned by a friend of the deceased, and where, the deceased was present on the fateful day i.e. on 8-3-2021. The deceased was alone. She showed the deceased certain pornographic clips, tied the hands and legs of the deceased to a chair and then killed him by

inflicting multiple blows on the neck and other parts of the body using a kitchen knife.

3. The case is based on circumstantial evidence. The first circumstance is the motive since the applicant and the deceased used to quarrel on monetary issues. The second circumstance is the recovery of kitchen knife pursuant to memorandum under Section 27 of the Indian Evidence Act, with blood stains, *albeit* not confirmed since the C.A. report is yet to be received and the third circumstance is the identification by the Ola cab driver of the applicant as the passenger he dropped at a place proximate to the scene of the crime.

4. The investigation is complete and the charge-sheet is filed. It is not the case of the prosecution that the applicant is a flight risk or that she has adverse antecedents. More significantly, the applicant has a child aged 8 to 9 months who is with her in jail. The material in the charge-sheet indicates that the applicant married one Mr. Sharma and the child with her is born from the said wedlock.

5. Considering the overall circumstances and particularly, the fact that the applicant is a lady who has a 8 months old child, I am inclined to grant bail.

6. The application is allowed subject to the following conditions.

(a) The applicant be released on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

(b) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(c) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE