

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

CRIMINAL APPLICATION (BA) NO.1277 OF 2021

(Archana w/o Vijay Bansode Vs. State of Maharashtra thr. PSO PS Arvi, Dist.
Wardha)

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

Court's or Judge's orders.

Mr. Mahesh V. Rai, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 16th DECEMBER, 2021.

The applicant is arraigned as accused 3 in Crime 562/2020 registered with Police Station Arvi, District Wardha for offences punishable under Sections 302, 120-B and 201 read with Section 34 of the Indian Penal Code.

2. Briefly, the case of the prosecution is that the applicant and accused 1 were in illicit relationship. The applicant is the legally wedded wife of the deceased Vijay. However, the marital relationship was strained due to several reasons including Vijay's addiction to liquor. The prosecution contends that the applicant and co-accused Krishna conspired to eliminate Vijay, and it was pursuant to such conspiracy that Vijay was strangled to death.

3. The case of the prosecution is that it was Krishna and co-accused Ramesh Bhojar, who is released on bail, who took Vijay on their motor-cycle on 28.11.2020 on the

pretext of consuming liquor. As a fact, the trio did consume liquor at the Dhanoda Dam area and thereafter Vijay was strangled to death.

4. In so far as the incriminatory material against the applicant is concerned, what is primarily alleged is motive. Whether motive, in the factual matrix, would be sufficient to establish conspiracy, is a call to be taken on the basis of evidence and by the trial court.

5. I am satisfied that a case for bail is made out. The applicant is a woman and is not shown to be a flight risk. The investigation is complete and the charge-sheet is filed. The applicant is in custody since 04.12.2020 and further incarceration would only be a pre-trial punishment, considering the facts of the case.

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

- i. The applicant be released on bail in Crime 562/2020 registered with Police Station Arvi, District Wardha for offence punishable under Sections 302, 120-B and 201 read with Section 34 of the Indian Penal Code, on furnishing personal bond of Rs.16,000/- (Rupees Sixteen Thousand) with a solvent surety of like amount.
- ii. The applicant shall not tamper with the evidence

or make any attempt to influence the witnesses,
directly or indirectly.

- iii. The applicant shall not leave the country without
the permission of the jurisdictional court.

JUDGE

NSN