

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD**

**BAIL APPLICATION NO. 442 OF 2022**

|                                      |                |
|--------------------------------------|----------------|
| Sushma @ Guddi d/o Balasaheb Bhosale | ... Applicant  |
| Versus                               |                |
| The State of Maharashtra             | ... Respondent |

....

Mr. N. S. Ghanekar, Advocate for applicant  
Mr. G. O. Wattamwar, APP for respondent - State

....

**CORAM : R. G. AVACHAT, J.**

**DATED : 18<sup>th</sup> JULY, 2022**

**PER COURT :-**

This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0104/2021, registered with Shrigonda Police Station, District Ahmednagar, for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

2. Heard.

Perused the First Information Report (FIR) and related police papers.

The FIR has been lodged by the Assistant Police Inspector, Shrigonda Police Station against unknown persons on 09.02.2021. It is disclosed from the FIR that a headless body of a

man was found partially burnt in the land Gut No.26/11 at village Takli Kadewadi, in the field of one Dinkar Ghodke. It is evident from the police papers that a missing persons report was lodged at Bharti Vidyapeeth Police Station. Investigation of the crime was made. It is the case of the prosecution that the deceased Ramesh Jadhav would ask the applicant for sexual favour. The applicant along with co-accused therefore hatched conspiracy. The deceased was invited to Baramati under the pretext of showing him a plot as he wanted to purchase one. The applicant and the co-accused cut his neck. Head was removed from the body. The son of the deceased suspected involvement of the applicant herein. The head was burnt with a view to destroy evidence. Torso was buried. The applicant and co-accused therefore came to be arrested. They made disclosure statement under Section 27 of the Evidence Act. Two gold rings of the deceased were recovered at the instance of the applicant. The wood depot owner gave statement that the applicant and four others had purchased firewood from him. According to the prosecution, the same was used for burning the head of the deceased. A sickle used for killing the deceased was also recovered at the instance of the applicant. The car of the deceased too came to be seized. On investigation, the charge-sheet has been filed.

3. The learned Advocate for the applicant would submit that it is a case based on circumstantial evidence. Chain of circumstance is not complete. There is nothing to indicate a motive. He pointed out certain police papers to indicate that gold rings have already been recovered. False disclosure statement was recorded showing the recovery of gold rings at the instance of the applicant. As per the statements of daughter-in-law of the deceased, the deceased had already returned from Baramati. He would further submit that no test identification (T.I.) parade has been held. No chemical analysis (CA) report regarding the sickle has been placed on record to indicate that the same was used in commission of the alleged crime. He, therefore, urged for grant of bail.

4. The learned APP would, on the other hand, submit that the deceased was brutally murdered. Merely because the applicant is a woman, she doesn't deserve sympathy. At her instance, two gold rings of the deceased have been recovered. Wood depot owner has given the statement that the applicant and four others had purchased the firewood. The said firewood must have been used for burning the head of the deceased. There is material to indicate

relationships between the applicant and the deceased. The trial Court may be directed to expedite hearing of the case. He, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the police papers.

The headless body of deceased Ramesh Jadhav was found at Tambkhada Maal, at village Takli Kadewadi, in the field of one Dinkar Ghodke. The FIR was therefore lodged by the Assistant Police Inspector against unknown persons. The deceased was resident of village Ambegaon (Bk), District Pune. The applicant is resident of Malegaon (Bk), Taluka Baramati, District Pune. She along with her son was residing separately from her husband. There is matrimonial dispute between the two. From the statement of the applicant's mother and even son and daughter-in-law of the deceased, it can be inferred that there was acquaintance between the applicant and the deceased. It is however in the statement of the mother of the applicant that her husband has opened up a shop of scrap material at Navle bridge in Pune. That time, there acquaintance was developed between the father of the applicant and the deceased. There was a function at the relative of the deceased.

The applicant's parents were invited for the said function. They were unable to attend the function. The function was therefore attended by the applicant. It appears that the mother of the applicant gave statement exculpating the applicant. It is in the statement of the daughter-in-law and the son of the deceased that once the deceased had introduced the applicant as his friend. There is, however, nothing further to indicate emotional involvement between the two. It is not that the same is ruled out. The statements of the son and daughter-in-law of the deceased would indicate that he had left the house in his Alto car on 29.01.2021 to see a plot at Baramati. It is the case of the prosecution that the deceased was working as real estate agent. The statement of Manjushri, daughter-in-law of the deceased would indicate that the applicant along with two boys had visited the house of the deceased on 26.01.2021. The statement of the applicant and her mother indicates that the deceased had come to Baramati on 29.01.2021. He had visited their house. He was there for a while and then left for his residence. The statement of Manjushri, daughter-in-law of the deceased further indicates that the deceased had returned home on 30.01.2021 from Baramati. He had told her that he did not approve of the plot. He, again left the house on 31.01.2021 by 2.30 p.m. for Baramati. Post his leaving his home

on 31.01.2021, there is nothing to indicate the applicant to have been seen in the company of the deceased.

True, the applicant made a disclosure statement pursuant to which a sickle came to be recovered. There is no CA report indicating the sickle had blood stains of the blood group of the deceased. The said recovery therefore is of not much assistance for the prosecution. When the dead body of the deceased was found, his gold chain was intact. It rules out robbery. The applicant is shown to have given a disclosure statement stating to have had removed two gold rings of the deceased and sold them to a goldsmith in Pune. Pursuant to the said statement, two gold rings have been recovered from the goldsmith. The said disclosure statement is said to have been given by the applicant on 19.02.2021. Attention of this Court was drawn to a statement of Premprakash Warma dated 17.02.2021. It is in his statement that the Police Inspector Shri Dhikle had shown this witness, two gold rings and a chain. He identified them to have been made at his shop and sold as well. This fact indicates that the gold rings of the deceased which went missing, had in fact, been recovered on 17.02.2021 or there before. Whereas those are shown to have been again recovered pursuant to a disclosure statement made by the applicant herein on 19.02.2021. This indicates

manipulation of police papers. As regards the statement of a wood depot owner is concerned, he stated that on the given day, a lady and four persons together had come in two Alto cars. They purchased some firewood. It was carried into those two cars. He was shown the applicant and the co-accused at the Police Station. He identified them as persons who had purchased the firewood. For want of identification parade, identification of the applicant and co-accused by this witness would be of little consequence.

6. Aforesaid is the material against the applicant. It is reiterated that the case is based on circumstantial evidence. The applicant is a woman. It is not desirable to make observations regarding merits of the case. The applicant is behind the bars for little over one and half years. On appreciation of the material referred to herein above, this Court is inclined to grant the applicant bail. Hence, following order:

### **ORDER**

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0104/2021, registered with Shrigonda Police Station, District Ahmednagar, for the offences punishable under Sections 302, 201 read with 34 of

the Indian Penal Code, on her executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.

- (iii) The applicant shall not tamper with the prosecution evidence.

[ R. G. AVACHAT, J. ]

SMS