

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

BAIL APPLICATION NO.532 OF 2022

Manisha w/o. Ramchandra Jaybhay ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.S.G.Bobde, Advocate for applicant
Mr.V.S.Badakh, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : JULY 13, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0493 of 2021 registered with Chikalthana Police Station, Dist. Aurangabad, for the offences punishable under Sections 302, 120-B, 201 read with 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.

3. Learned counsel for the applicant would submit that the case is based on circumstantial evidence. The applicant is a woman and mother of a two years old child. He, therefore, urged for grant of bail to the applicant.

4. Learned APP would, on the other hand, submit that the co-accused Ganesh had illicit relation with the applicant herein. The deceased was killed at the instance of the applicant. It is a case of conspiracy between the applicant and the two co-accused. The C.D.R. indicates a number of calls between the applicant and both the co-accused. Learned APP placed on record C.D.R. and ultimately, urged for rejection of the application.

5. Considered the submissions advanced. There is no direct evidence indicating the applicant to have committed murder of her husband. As per the statement of her neighbour, the co-accused Ganesh used to visit her residence in absence of her husband. According to the prosecution, there was illicit relationship between Ganesh and the applicant. Except the C.D.R., there is nothing to indicate the applicant to have been one of the conspirators in the commission of the offence in question.

6. As per the C.D.R., calls between the applicant and both the co-accused were not more than 20 – 25 during ten days next before the day on which the deceased was murdered. Such calls record, *prima facie*, does not lead this Court to observe the applicant's involvement in the alleged crime. The applicant is a

woman and mother of a two years old child. She has been behind the bars since 30.10.2021 i.e. more than eight months. Although the charge sheet has been filed, trial has not yet commenced. It will necessarily take time. In view of the above, the applicant deserves to be granted bail

7. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0493 of 2021 registered with Chikalthana Police Station, Dist. Aurangabad, for the offences punishable under Sections 302, 120-B, 201 read with 34 of Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP