

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

BAIL APPLICATION NO. 747 OF 2022

Sangita Kelya Kale	... Applicant
Versus	
The State of Maharashtra	... Respondent
....	
Mr. R. R. Karpe, Advocate for applicant	
Mr. V. S. Badakh, APP for respondent - State	
....	

CORAM : R. G. AVACHAT, J.

DATED : 25th 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. 52/2018, registered with Jamkhed Police Station, District Ahmednagar for the offences punishable under Sections 302, 394, 397, 420 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR).

The FIR has been lodged by the brother of the deceased. The gist of the prosecution case is that the applicant herein, along with her husband and two others had told the informant's brother

that they have gold. Even some gold they wanted to sell. The meeting between the four and the informant was therefore arranged. On 27.03.2018, at about 11.30 a.m., the applicant and co-accused met the victim near English School at Jawla. The applicant and her husband showed the victim two gold rings. The victim examined those rings to find to be of fake gold. Before such examination, the victim had already parted with a sum of Rs.3,00,000/- to the applicant and her husband. After having realised to have been duped, the victim questioned the co-accused. Thereupon, the victim was assaulted with a knife blows . Assault is attributed to Mahaveer (co-accused).

3. As such, although the offence of murder, took place in continuation of the earlier incident i.e. delivering fake gold rings and receipt of a sum of Rs.3,00,000/-. The applicant has no role in the offence of murder. The applicant is a woman. She came around to deposit a sum of Rs.1,50,000/- allegedly received by her from the victim.

4. Although the learned APP has opposed for grant of bail, the averments in the FIR itself indicate the applicant to have not

been involved in the major offence of murder. Ingredients of offence of cheating and other related offences could be invoked against her.

5. Since the applicant is a woman and behind the bars for the last more than five months and having considered her role in the alleged offence and the fact that she is ready to deposit a sum of Rs.1,50,000/- in the trial Court, this Court is inclined to grant her bail in terms of following order:-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.52/2018, registered with Jamkhed Police Station, District Ahmednagar for the offences punishable under Sections 302, 394, 397, 420 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 deposit a sum of Rs.1,50,000/- with the trial Court within a period of three weeks from the date of this order. A sum of Rs.50,000/- thereof, as condition precedent for release on bail.
- (iv) In case, the amount is not deposited within time frame, the bail granted to the applicant shall be

deemed to have been cancelled without reference to the Court.

- (v) If the amount is deposited, and if, any of the legal heirs of the victim prefers application for receipt of cash amount which is directed to be deposited by the present applicant, the trial Court may pay them such amount on condition to be imposed by the concerned Court.
- (vi) The applicant shall mark her presence at Jamkhed Police Station, District Ahmednagar, once a week i.e. on every Sunday between 8.00 p.m and 9.00 p.m. until further orders.
- (vi) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]