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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1495 OF 2020

Savita Santosh Jadhav .. Applicant

Versus

The State .. Respondent

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Mr.Milan Desai i/b Mr.T.R.Patel for the Applicant.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

PSI Satish Godse, attached to Bhayander Police Station,
present.

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CORAM: BHARATI DANGRE, J.

DATED : 26th JULY, 2022

P.C:-

1. The applicant came to be arrested on 14/05/2017, being arraigned as an accused in C.R.No.I-187 of 2017 registered with Bhayander Police Station, which accused her of committing murder of one Geeta.

On the charge-sheet being filed, her application was rejected on 14/10/2019 by the Sessions Court, Thane and, hence, the applicant has approached this Court.

2. The prosecution, case which could be discerned from the charge-sheet is to the effect that, the applicant is wife of one Santosh Jadhav and out of their marriage, two children are born. The husband of the applicant developed relationship with deceased Geeta, who was a divorcee and a mother of two children, and she started residing with the husband of the applicant. On account of such relationship, the applicant shifted herself to her parental house, but on being convinced by her husband, she started cohabiting with him and from March 2017, the applicant alongwith her two children, Geeta and her son, parents of Santosh and his brother started residing together. The applicant runs beauty parlor, whereas Geeta was running a kirana shop and Santosh was into tour and travel business.

2. On 13/05/2017, a complaint came to be lodged by the brother of deceased Geeta informing that on 09/05/2017, he gave a phone call to his sister, when she was cooking food and she informed him that after having food, she will go to sleep. Son of Geeta was residing with the complainant and normally Geeta used to make a phone call to talk to him at around 8.00 a.m. in the morning, but on 10/05/2017, when she did not call, he attempted to call her, but she did not answer the phone. On

repeatedly contacting her, her phone was found switched off. On 11/05/2017, he was informed by her husband Santosh that she had hanged herself and has passed away.

On autopsy being conducted, since multiple injuries were noticed on her head and hand and which were found to be responsible for her death, the complainant lodged a report, implicating the present applicant and her mother-in-law, Vatsala, since they were aggrieved by deceased, cohabiting with Santosh.

3. The charge-sheet accuse the present applicant of eliminating Geeta, as she did not approve her relationship with her husband. As far as Vatsala, her mother-in-law is concerned, she came to be released on bail by the learned Additional Sessions Judge, Thane on 03/04/2018, by recording that investigation is complete and the charge-sheet is filed and there are no eye witnesses to the incident.

4. On perusal of the charge-sheet, it can be seen that indictment of the applicant in the offence of murder is only on the basis of alleged motive of the applicant of not approving the relationship of her husband with the deceased. It is, however, pertinent to note that the deceased, applicant and her husband were residing together since 2017 and I do not

think that the factor of the applicant being unhappy over the relationship of the deceased with her husband, would be considered as a strong motive for eliminating the deceased.

5. The prosecution has also recorded statements of two minor children of the applicant, but according to these children, the deceased was in her kirana shop till 11.15 p.m. and then, she came home. According to their statements, on 10/05/2017, she did not go to the kirana shop and, therefore, the applicant and Vatsala visited her room and tried to awake her, but she did not get up and, therefore, as per the said children, they all went and stayed in the beauty parlor for the whole day and returned on 11/05/2017, when foul smell was emanating from the house.

6. Apart from the motive and the two statements, *prima facie*, there is no other material, which would point out the involvement of the applicant in the murder of Geeta. The applicant will necessarily have to take the consequences of the accusations faced by her, but at present, in the wake of the material compiled in the charge-sheet and when she is incarcerated since 14/05/2017, with no flight risk being projected by the prosecution, the applicant deserve her release on bail.

Pertinent to note that the case of the prosecution is based on circumstantial evidence and merely because, she did not report about the death of Geeta, when she found her to be dead on 10/05/2017, cannot be a ground to keep her in custody. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Savita Santosh Jadhav shall be released on bail in connection with C.R.No.I-187 of 2017 registered with Bhayander Police Station, on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (d) The applicant shall attend the trial on regular basis.

(SMT. BHARATI DANGRE, J.)