

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2839 OF 2022**

Reshma @ Savita Shivaji Shendage ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Y. B. Lengare for the Applicant.

Mr. A. R. Kapadnis, APP for the State.

Mr. Nagesh Balu Yamgar Asst. Polcie Inspector Sangola Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 18 NOVEMBER 2022

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure.

2. The applicant came to be arrested in Crime No. 1368 of 2021 registered at Sangola police station for the offence punishable under Sections 302, 201 of Indian Penal Code.

3. The deceased was the husband of accused No.5. According to the prosecution the accused No.2 had illicit relation with accused No.5. It is alleged that an amount of Rs.28,00,000/- was received by the accused No. 5 towards compensation for acquisition of land, and

out of the said amount she had given certain amount to accused No.2. It is alleged that the deceased was asking accused No.5 to give account of the said money and as she was unable to give account of the said money, he used to quarrel with her. It is thus alleged that the accused No.5 and accused No.2 alongwith other co-accused therefore hatched the conspiracy and committed the murder of the deceased.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that the applicant came to be implicated in the crime in question just because she is a sister of accused No. 5. It is submitted that the only allegation against the present applicant is that on the day of alleged incident, the present applicant had conveyed the location of the deceased to other co-accused. It is submitted that the investigation is over and the charge sheet is filed. Therefore further detention of the present applicant is not necessary.

6. On the other hand the learned APP submits that the present applicant is involved in the serious crime of murder. There is a material in the form of CDR to connect the applicant with alleged crime. It is submitted that considering the nature of offence, the application be rejected.

7. I have perused the charge-sheet. The motive for alleged crime is attributed to the accused No.5 and accused No.2. Except CDR there is no other material to connect the present applicant with alleged crime. Considering these facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 1368 of 2021 registered at Sangola police station for the offence punishable under Sections 302, 201 of Indian Penal Code on furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)