

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2854 OF 2022

Dipali Mahendra Jadhav ... Applicant

Versus

The State of Maharashtra at the instance of
Mangaon Police Station, Raigad ... Respondent

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Mr. Aniket Nikam alongwith Mr. Ashish Satpute instructed by Mr. Amit Icham for the Applicant.

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

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CORAM : N.R. BORKAR, J.

DATED : 17 OCTOBER 2022

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 43 of 2022 registered at Mangaon Police Station, Raigad for the offence punishable under Sections 302, 120(B) r/w. 34 of Indian Penal Code.

3. The deceased was the husband of the present applicant. It is the case of the prosecution that the present applicant was having illicit relations with co-accused Sandeep Gaikwad. It is alleged that due to said illicit relations, the present applicant alongwith co-accused committed the murder of the deceased.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that case is based on circumstantial evidence. The only allegation against the present applicant is that she conspired with the other co-accused and committed murder of the deceased. It is submitted that there is no incriminating material to connect the applicant with the alleged crime. It is submitted that the investigation is over and further detention of the present applicant is not warranted.

6. On the other hand, the learned APP for the State submits that there are statement of witnesses who have stated that the applicant was having illicit relationship with co-accused Sandeep Gaikwad. It is submitted that phone call record collected during the investigation would shows that during the relevant period the applicant was in contact with the co-accused. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The allegations against the applicant are of conspiracy. The case is based on circumstantial evidence. Considering these facts and as the investigation is over, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant – Dipali Mahendra Jadhav be released on bail in Crime No. 43 of 2022 registered at Mangaon Police Station, Raigad for the offence punishable under Sections 302, 120(B) r/w. 34 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.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
Date:
2022.10.18
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