

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 186 OF 2022
Seema Ramesh Khandar...Versus... State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. Aniruddha C. Jaltare, Advocate for the applicant.
Mr. I.J.Damle, APP for Respondent /State

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/03/2022

Heard Mr. Jaltare, learned counsel for the
applicant and Mr. Damle, learned APP for respondent/State.

2] The applicant has been arraigned for the offence punishable under Sections 302, 201, 120B read with Section 34 of the IPC in Crime No. 678/2021. The body of the deceased has been found on 21.11.2020, in Pandharabodi lake at Umred. The applicant has been arrested on 8.11.2021 the charge-sheet has been filed on 18.12.2021.

3] Mr. Jaltare, learned counsel for the applicant submits that even according to the case of the prosecution, the applicant was not in Umred on 21.11.2020 or even prior thereto, as she had been residing with her elder son namely Lokesh Khandar - the complainant at Pune from 9.10.2020 to 27.11.2020. He further submits that except for the CDRs

which merely indicate multiple conversations between the applicant and one Sanjay Bhanarkar, there is nothing on record to indicate the involvement of the applicant. He therefore submits that the applicant, who is the mother of the deceased, has been falsely implicated and ought to be released on bail.

4] Mr. Damle, learned APP does not dispute that for the duration from 9.10.2020 to 27.11.2020, the applicant was not at Umrtd but was at Pune, residing with her elder son, the complainant. He however relies upon the CDRs to indicate that the applicant was in continuous conversation with the said Sanjay Bhanarkar, who is the co-accused. He also places reliance upon the statement of Gunwant Mandhre (pg. 192) and Sujit Kurudkar (pg. 193) to buttress his submission that the applicant was involved in a conspiracy with the said Sanjay Bhanarkar in the aforesaid crime. The absence of any complaint by the applicant regarding the deceased being missing, is also contended to be indicative of the fact that she was involved. It is therefore submitted that the application be rejected.

5] It is not in dispute that the applicant was not present in the town of Umrtd on the fateful day i.e. 21.11.2020 when the body of the deceased was found floating in Pandharbodi Lake in Umrtd. It is only on

27.11.2020, that she had reached Umred from Pune where she was residing with her elder son. The crime chart placed on record (pg.392) indicates that the deceased was involved in as many as 8 offences over a period of time from 2015 to 2019. The CDRs merely indicate the applicant and the co-accused being in continuous conversations and nothing can be deduced therefrom regarding the involvement of the applicant. The statements of Gunwant Mandhre as well as Sujit Kurudkar merely attribute that the deceased was troubling his mother as informed by the co-accused Sanjay Bhanarkar and nothing else. The absence of lodging a complaint regarding the deceased being missing, cannot be stretched to such an extent so as to indicate that the applicant had hatched a conspiracy to eliminate the deceased, her son. It is equally true that even the complainant who was the brother of the deceased had failed to lodge any missing report regarding the deceased. It therefore *prima facie* appears to be that the involvement of the applicant in the aforesaid crime at this stage is tenuous at the most, considering which I do not see any reason for further incarceration of the applicant. Hence, the following order.

ORDER

- i. The Criminal Application is allowed.
- ii. Applicant Seema Ramesh Khandar, be released on bail in Crime No. 678/2021, registered at Police Station

Umred, Tq. Umred, District Nagpur, for the offence punishable under Sections 302, 201, 120B read with Section 34 of the IPC, on her furnishing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with two solvent sureties of the like amount.

- iii. The applicant shall not tamper with the evidence of the prosecution witnesses in any manner or try to influence them directly or indirectly.
- iv] The applicant shall attend each and every date before learned Sessions Court and shall ensure that the trial is not protracted on her behalf.

6] Pending application/s, if any, shall stand disposed of accordingly.

JUDGE

Rvjalit