

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

CRIMINAL APPLICATION (BA) NO.682 OF 2022

Sarita Shekhar Kanojiya

Versus

State of Maharashtra, through P.S.O., P.S. M.I.D.C., Dist. Nagpur

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

Court's or Judge's Order

Shri C.R. Thakur, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 20/07/2022

1. The applicant is seeking bail in Crime No.65 of 2021, dated 12.02.2021, registered with Police Station M.I.D.C., District: Nagpur, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. Shri Thakur, learned counsel for the applicant submits that whole case is based on circumstantial evidence and there is no direct eye witness to the incident. Therefore, he submits that only on the basis of suspicion the applicant was arraigned as accused in the present offence.

3. He further submits that after filing of the charge-sheet, custody of the applicant is not necessary and being a lady, she has already undergone custody of more

than one and half years. Accordingly, he prays for grant of bail.

4. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and submits that in the investigation, it is revealed that there was love relation between the applicant and the co-accused and both have committed the alleged offence and thereby, they have murdered the husband of the applicant.

5. It is submitted that at the time of incident, the deceased was under the influence of the liquor and therefore, he was totally defenseless.

6. He further submits that considering the injuries found on the body of the deceased, it can be said that he was brutally murdered. Accordingly, he prays for rejection of the present application.

7. I have perused the Charge-sheet and reply of the State.

8. The evidence collected by the prosecution shows that the applicant and the co-accused, they have committed the present alleged offence. There is sufficient material to show that the applicant had illicit relation with

the co-accused Pankaj Kadu. The statements of neighbors are there to support the case of the prosecution.

9. Thus, considering the evidence collected during the investigation and Post Mortem report, I am of the opinion that the offence is very serious and considering the role attributed to the applicant, I am not inclined to grant bail.

Accordingly, the application is **rejected**.

[ANIL S. KILOR, J.]