

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

Criminal Application (BA) No. 1234 of 2022

Smt. Sangita Wd/o Ramdas Sarkate

Versus

State of Maharashtra, through Police Station Officer, Police Station Bibi,
Tah. Lonar, Dist. Buldhana

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

Court's or Judge's Order

Shri Anil Mardikar, Senior Advocate h/f Shri V.R.

Deshpande, Advocate for the applicant.

Ms. Shamsi Haider, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 28th NOVEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 89 of 2022 registered with Police Station Bibi, Dist. Buldhana for the offence punishable under Sections 302, 120-B read with 34 of Indian Penal Code.

2. One Satyanarayan Prakash Sarkate, informed the police that body of Ramdas Sarkate was found in a well near the field owned by Janabai Prakash Chavan. During the investigation, it was found that the death was caused due to strangulation. Thereupon, it was revealed that the accused no.1 had illicit relations

with the present applicant who is the widow of the deceased and accordingly the offence was registered against the main accused Dnyandeo Awagh and the applicant. Section 120B of Indian Penal Code was invoked on the ground that there was a conspiracy between the accused persons to eliminate the deceased. However, there is nothing incriminating against the applicant to support the case of the prosecution that there was a conspiracy and the applicant was also wanted to eliminate the deceased.

3. Learned counsel for the informant opposes the application on the ground that there is a confessional statement given by the applicant. However, the alleged confessional statement was given to the police, which is not permissible.

4. Learned Additional Public Prosecutor is further opposing the application on the ground that offence is serious.

5. After considering the case diary and the chargesheet, I find substance in the submission of Shri Mardikar, learned Senior Advocate that except the alleged illicit relation there is nothing to suggest that there was a conspiracy. In the circumstances, I am of the opinion that as the chargesheet is filed, the custody of

the applicant is no more required. Accordingly, I pass the following order.

- i. The criminal application is allowed.
- ii. It is directed that the applicant shall be released on bail in Crime No. 89 of 2022 registered with Police Station Bibi, Dist. Buldhana for the offence punishable under Sections 302, 120-B read with 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;
- iii. The applicant shall attend the concerned Police Station as and when his presence is required;
- iv. The applicant shall not tamper with the prosecution witnesses;
- v. The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the Court.

[ANIL S. KILOR, J.]

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by
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