

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.446 OF 2023

**SARIKA VIJAY PATNI @ SARIKA KISHOR SONAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Bobde Sopan G.
APP for Respondent/State : Mr. K.S. Patil
...

CORAM : S.G. MEHARE, J.

DATED : APRIL 10, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. It has been alleged against the applicant, who is the wife of the deceased that she along with her paramour killed the deceased. The prosecution has the evidence of purchasing knife by her paramour before the incident and the clothes after the incident by both of them from the shop. The third circumstance against the applicant as per the prosecution case is that she had shown the spot of the incident. However, it was the spot from where the dead body was discovered. The statement of the witnesses shows that since the applicant has an affair with the co-accused, they in conspiracy has killed the deceased.

3. Learned counsel for the applicant would argue that the relation between the deceased and the applicant were strained. She was residing separate from the deceased. Only on the suspicion, she has been arraigned as an accused. The circumstantial evidence collected against the applicant do not corroborate the prosecution case. There is no evidence of last seen together. Hence, she may be granted bail.

4. Perused the papers. The circumstantial evidence against the applicant appears not a good evidence at this juncture. The deceased was ill-treating; therefore, she was residing separate from four months prior to the alleged incident. Whatever evidence has been collected against the applicant, appears not a strong ground to refuse the bail. She has a different role attributed from the co-accused. The charge sheet has been filed. Therefore, it would be unreasonable to detain her. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Sarika Vijay Patni @ Sarika Kishor Sonar, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.379 of 2022, registered with Satara Police Station, District Aurangabad for the offence punishable under Section

(3)

302, 120-B, 201 read with Section 34 of the Indian Penal Code, on the conditions that she shall not tamper with the prosecution witnesses.

(iii) The applicant shall not contact any of the witnesses and also the co-accused, till the conclusion of the trial.

(S.G. MEHARE, J.)