

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1516 OF 2023**

RENUKABAI @ RENUKA W/O RAJU MEHER
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Avinash R. Borulkar, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 08th SEPTEMBER, 2023.**

PER COURT:-

1. By this application, the applicant seeks regular bail in connection with Crime No.236/2023 registered with Sillod Rural Police Station, Dist. Aurangabad for the offence punishable under Sections 302, 201, 120-B, 364, 118 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by Ravikiran Mitthu Bharti, Police Head Constable. It is stated that on 15.06.2023 the applicant/accused had given missing report regarding her husband (deceased) stating that since 10.06.2023 he left the home and since then he never returned back. The mobile location of the deceased was traced and finally his dead body was found. In nutshell it is alleged that the applicant had illicit relationship with accused no.1. The deceased husband of the applicant was obstacle in such relationship, therefore, the accused persons conspired together and caused murder of the deceased. The information was transformed into FIR for the aforesaid offences. The applicant is arrested on 21.07.2023. Since then, she is behind the bar. Her plea for grant of regular bail has been rejected by the Sessions Court vide order dated 05.08.2023.

3. Mr. Borulkar, learned Advocate appearing for the applicant would submit that the applicant is a lady. Unfounded allegations are incorporated against her stating that she had illicit relationship with accused no.1 and for that purpose she conspired alongwith other accused to cause murder of her husband. He would submit that even going by allegation in the FIR there is nothing to indicate that the applicant has any time instructed accused no.1 to cause murder of her husband or there is nothing to indicate that the applicant has conspired with other accused or participated in commission of murder. He would, therefore, urge to grant bail to the applicant.

4. The learned APP vehemently opposes the application on the ground that the applicant is main accused of the conspiracy hatched by accused no.1. In absence of her participation, the other accused could not have given effect to the murder.

5. Having considered the submissions advanced, it is apparent that initially, the missing report was given by the applicant. Thereafter, her husband was found dead. On the basis of the mobile tower location his dead body was searched and presence of accused no.1 was also traced by same way. The rope used in commission of murder has been recovered from the main accused and accused Karan Barwal is already released on bail by order of this Court. Pertinently, entire case of the prosecution is based on confessional statement of accused no.1 made in the police custody. Perusal of the investigation papers nowhere suggests that the applicant has actually participated in the conspiracy and played any role. It is difficult to infer that the applicant had actually intended to kill her husband or for that

purpose she participated in conspiracy hatched by accused no.1. The applicant is lady having two sons aged about 5 and 7 years. Her further detention may not be necessary. The investigation is practically over. The formality of filing of charge-sheet is remained. Hence, case is made out for grant of bail. It is made clear that, observations made hereinabove are for *prima facie* consideration and only for disposal of this application. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Renukabai @ Renuka w/o Raju Meher be released on bail in Crime No.236/2023 registered with Sillod Rural Police Station, Dist. Aurangabad for the offence punishable under Sections 302, 201, 120-B, 364, 118 of the Indian Penal Code on executing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - c. The applicant shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 am to 02.00 pm till filing of the charge-sheet and co-operate with the investigation.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE