

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

942 BAIL APPLICATION NO.1794 OF 2023

NANDINI VIKAS BHOSLE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. S.J. Salunke
APP for Respondent : Mr. K.S. Patil

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 26, 2023

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.0173 of 2023 registered with Dharur police station, District Beed for the offences punishable under sections 302, 201, 506, 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the complaint given by Droupadi Shivaji Bhosale, who is mother of the victim. She alleges that her son Vikas was addicted to liquor. He is married with the applicant Nandini. He was working in the field of one Ramesh Adaskar. It is stated that inspite of several efforts to prevent the deceased from consuming liquor, he continued to do so. He used to demand money from his wife Nandini and also assaulted her on that count. It is further alleged that once he has committed theft of cotton owned by one Ushabai. Because of his such conduct co-accused Siddheshwar i.e. brother of Nandini had assaulted him and he had also apprehended Vikas of dire consequences if he

ill-treats Nandini. It is alleged that on 2.6.2023 Vikas had left home to have liquor. He had abused his wife Nandini (applicant). The informant separated the quarrel. Thereafter, the applicant and her brother took deceased Vikas on motorcycle under the pretext that they will drop him in the field. Thereafter, dead body of Vikas was found in a pond. Accordingly, she alleges that the applicant-wife of the deceased and co-accused Siddheshwar have killed her son Vikas. Investigation progressed. The applicant and co-accused were arrested. After completion of the investigation, charge-sheet is filed. The prayer of the applicant for grant of bail has been rejected by the order of the Sessions Court dated 18.9.2023.

3. Mr. Sudarshan Salunke, learned advocate appearing for the applicant would submit that the applicant was roped in as an accused only on the basis of two circumstances. Firstly, last seen together and motive. He would submit that when case of the prosecution is based on circumstantial evidence, there must be a clinching circumstance, which is impeachable in nature. However, on the basis of evidence relied upon by the prosecution only strong suspicion can be raised against the applicant. He would further point out that two children aged about ten years and eight years are dependents need company of the applicant. There is nobody to look after them.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that there is strong motive for the applicant to cause murder of the deceased. Apparently,

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deceased was ill-treating her because of his bad vices. Therefore, with the aid of the co-accused, she has committed murder. Evidence in the nature of last seen together and statement of the witnesses regarding conduct of the applicant is sufficient to bring home guilt against her.

5. Having considered the submissions advanced, it is apparent that case of the prosecution is based on circumstantial evidence. The applicant is allegedly last seen alongwith the deceased on motorcycle. On the same day witness Ganesh Khadake, Vitthal Khadake, Hanu Khadake and Dnyanoba Mane seen the applicant alongwith the deceased. However, except this particular piece of evidence, there is nothing on record to attribute any role of the applicant in murder. The recovery of the incriminating material a rope alleged to have been used for strangulation, mobile instrument showing photographs of the dead body are discovered at the instance of the co-accused. Although, the applicant may have strong motive, evidence in the charge-sheet is bereft to bring home her actual participation in commission of the murder. The applicant is a lady. Apart from the aforesaid facts, as pointed out by the learned advocate appearing for the applicant, there are two depending children of tender age on the applicant. In that view of the matter, the applicant deserves to be enlarged on bail. Hence, the following order.

ORDER

- i. Bail Application is hereby allowed.

- ii. The applicant - NANDINI VIKAS BHOSLE be released on bail in connection with Crime No.0173 of 2023 registered with Dharur police station, District Beed for the offences punishable under sections 302, 201, 506, 34 of the Indian Penal Code on her furnishing PB. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-
 - a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend each and every effective date before the trial court.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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