

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

BAIL APPLICATION NO.2015 OF 2023

Mangalabai Vilas Patil

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. A.K. Bhosle, Advocate with
Ms. Priyanka P. Shinde, Advocate for applicant
Ms R.R. Tandale, A.P.P. for respondent
.....

CORAM : R.G. AVACHAT, J.

DATE : 4th DECEMBER, 2023

ORDER :

Heard. The applicant, a woman, is alleged to have conspired to commit murder of her 13 year old son. Pursuant to the said conspiracy, the co-accused Jaidev strangled Purushottam and then hanged him to a branch of a tree so as to make out it to be a case of suicide. There is an eye witness account of the witness by name Ganesh, who was in the company of the co-accused Jaidev and the deceased on the given day.

2. It is the case of the prosecution that, the present applicant has an extra-marital relationship with Pramod. The F.I.R. has been lodged by the father of the deceased on 17th January. It

has been averred therein that, on 16th January, he was home. His wife (applicant) was also at home. The applicant received a phone call of her son (deceased) by 3.00 p.m. The deceased allegedly informed her to have been in the village. The deceased, however, did not return home that night. The father, therefore, lodged the F.I.R., alleging that some unknown person kidnapped his son.

3. On suspicion, the co-accused Pramod was arrested pursuant to a disclosure statement made by him. The dead body of Purushottam was recovered. There is statement of one Ganesh, indicating that he was in the company of Pramod and the deceased on the given day. If the statement of Ganesh is considered, the same will suggest that the deceased and the co-accused were together. The statement of Ganesh further indicates that Pramod had repeatedly made phone calls to one lady and he asked her not to go for work in a hotel for that night. It is informed by the learned counsel for applicant that the applicant is a housewife and she was never serving at any hotel or anywhere else.

4. The material indicates that, on the given day, the applicant was at home the entire day. The case of the prosecution is of conspiracy between the applicant and the co-accused. So as to make out the said offence the prosecution is heavily relying on the C.D.R. of the cell phone of the co-accused to indicate that he

was constantly in touch with the present applicant on the given day, on the days thereafter and even post 17th January 2022. At the most it could be a strong circumstance to indicate both of them in contact with each other and had some kind of otherwise relationship between the two.

5. The applicant is a lady. She has been behind the bars since 27th January 2022. Although the charge has been framed and some prosecution witnesses have been examined, considering the material on record, and the applicant being a lady and to have been charged with the conspiracy to kill her son, without there being any overt act on her part, this Court is inclined to grant her bail. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with C.R. No.22/2022, registered with Taluka Police Station, Jalgaon for the offence punishable under Sections 302, 363, 120(B) read with Section 34 of the Indian Penal Code on her executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

- (iii) The applicant shall not tamper with the prosecution evidence.
- (iv) Needless to mention, the trial Court shall not be influenced by the observations made hereinabove.

(R.G. AVACHAT, J.)

fmp/-