



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2470 OF 2023

MANISHA BHIMA DHANE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Tushar Sonawane a/w Adv. Pooja Satpute for the
Applicant.

Mr. N. B. Patil, APP for the State.
API Amol Bamane, Vairag Police Station, Solapur.

CORAM : M. S. KARNIK, J.
DATE : OCTOBER 18, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 120-B read with 34 of the Indian Penal Code registered on 21/04/2021 vide C.R. No.202 of 2021 with Mangalvedha Police Station, Solapur.
- 3.** Learned APP opposed the application by contending that the accusations against the applicant are serious in nature as she is alleged to have killed her husband by strangulating him along with co-accused No.1 with whom the present applicant (accused No.2) is alleged to have an affair. On record is the statement of the married daughter of

the applicant who had come to her maternal home for delivery. Except for stating that the deceased left home, there is nothing on record to implicate the present applicant.

4. Materials on record are in the form of call detail records between the applicant and the accused No.1. The dead body was found in an agriculture field. The cause of death is strangulation. The applicant was arrested on 22/04/2021. Learned counsel for the applicant submitted that the applicant, while in custody, had donated one of her kidneys to her daughter who had undergone a kidney transplant. The case is entirely based on circumstantial evidence. There are no criminal antecedents reported against the applicant. In the facts and circumstances of the present case, considering that the applicant, who is a woman, has been incarcerated for more than 2 years and 5 months with no possibility of trial concluding any time soon, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Manisha Bhima Dhane in connection with C.R. No.202 of 2021 registered with Mangalvedha Police Station shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The application is disposed of.

(M. S. KARNIK, J.)