



PMB

38.ba.398-23.doc

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

BAIL APPLICATION NO.398 OF 2023

BHAGYASHRI MAHADEV BHOI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ritesh M. Thobde a/w Adv. Sagar S. Tambe a/w Adv.
Changdev Shingade for the applicant.

Ms. Veera Shinde, APP for the State.

PC - S. R. Jamadar, Mandrup Police Station, Solapur Rural.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 3, 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 Section 302 of the Indian Penal Code
(hereafter 'IPC' for short) registered on 29.06.2022 vide
C.R. No.163 of 2022 with Mandrup Police Station, District
Solapur.

3. The applicant was arrested on 30.06.2022. The
accusations against the applicant is that she was in a
relationship with the deceased. Such a relationship came to

the notice of her husband. The applicant started residing separately as her husband left her. The relationship of the applicant with the deceased continued. The applicant was working in an agricultural field for a living. The deceased was addicted to liquor and was regularly abusing her and assaulting the applicant when they were in a relationship. It is then the prosecution case that the applicant was in a relationship with another person. For the past ten months prior to the incident, the applicant had broken up her relationship with the deceased. The case is based on circumstantial evidence. There is a recovery of blood stained clothes belonging to the applicant from under a tree near the tin shed where the body of the deceased was found. The recovery was made almost two days after the incident in view of the memorandum statement of the applicant under Section 27 of the Indian Evidence Act.

4. In the facts and circumstances of the present case, considering that the case against the applicant is based on circumstantial evidence, the applicant is a woman who is in custody for more than one year with no possibility of the

trial concluding any time soon, I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Bhagyashri Mahadev Bhoi in connection with C.R. No.163 of 2022 registered with Mandrup Police Station, District Solapur shall be released on bail on her furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- 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.

5. The application is disposed of.

(M. S. KARNIK, J.)