



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

BAIL APPLICATION NO.529 OF 2023

VANITA SITARAM GAIKAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Tushar Sonawane a/w. Adv. Pooja Satpute a/w. Adv.
Shubham Budhvant for the applicant.

Mr. N. B. Patil, APP for the State.

PSI D. H. Vaje, MIDC Sinnar Police Station, Nashik.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 7, 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 of the Indian Penal Code
(hereafter 'IPC' for short) registered on 20/5/2022 vide C.R.
No.138/2022 with Sinnar Police Station, Nashik.

3. The applicant was arrested on 21/5/2022. The
prosecution case is that the applicant reported the incident
of the death of her husband to the police. The investigation
reveals that the victim died of asphyxia due to ligature

strangulation. It is the case of the prosecution that the applicant confessed to the commission of the crime. The nylon rope which is used for strangulating the deceased is recovered at the instance of the applicant. It is, thus, the prosecution case that the applicant though had killed her husband, tried to project the cause of death as suicide. The applicant was arrested.

4. From the materials on record, it appears that the deceased had come home in drunken condition. The applicant was working in a company. After she came back from work, the deceased demanded money from her towards the payment of his contribution towards the chit fund. When the applicant refused, there was a quarrel which resulted in the applicant taking the extreme step as per the prosecution. The entire case is based on the circumstantial evidence.

5. Learned APP vehemently opposed the application for bail contended that the deceased was in the custody of the applicant.

6. Learned counsel for the applicant submits that the applicant went out after the quarrel and when she came

back, she noticed her husband's condition. In the facts and circumstances considering that the applicant is a woman and is in custody for more than one year and three months with the trial is likely to take a long time to conclude, I am inclined to enlarge the applicant on bail. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Vanita Sitaram Gaikar in connection with C.R. No.138/2022 with Sinnar Police Station, Nashik, 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 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.

(d) 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.

(e) The applicant shall attend the trial regularly.

7. The application is disposed of.

(M. S. KARNIK, J.)