

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

**BAIL APPLICATION NO. 942 OF 2023**

|                          |               |
|--------------------------|---------------|
| Munnidevi Rajput         | ...Applicant  |
| vs.                      |               |
| The State of Maharashtra | ...Respondent |

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Mr. Guatam Jain i/by Mr. Manoj J. Bhatt - Advocate for the Applicant  
Mr. Y. Y. Dabke - APP for the Respondent-State

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**CORAM :            S. M. MODAK, J.**

**DATE :             25<sup>th</sup> APRIL, 2023**

**P. C. :-**

1.            Heard learned Advocate for the Applicant at a great length and learned APP
2.            The case is based on circumstantial evidence. The allegation is that this Applicant who is accused no. 3, alongwith accused nos. 1 and 2 have murdered the deceased Suman Verma and robbed certain articles including ATM Card, other identity cards, golden ornaments and cash amount. This incident took place on 21/07/2021. Accused No. 1-Sonu was knowing the deceased and her husband-the first informant-Lala Sugriv Verma, because earlier he resided in their house. The allegation is that all these accused

persons have entered the house when the deceased was alone and murdered her by strangulation, articles are stolen. The description is given by the first informant in the F.I.R. and in the supplementary statement. It is true that in one more supplementary statement, the husband has expressed that he does not know present Applicant and accused no. 2.

3. Even though it may be true that the prosecution attempted to rest their case on the contents of memorandum statement of the accused no. 1 and 2, it could not be corroborated by supporting material that is to say accused no. 1 has confessed how he killed the deceased with the help of the accused no. 2 and the accused no. 3-present Applicant.

4. The role assigned to the present Applicant is holding legs of the deceased. However there is no supporting materials. It is also true that the accused no. 1 has also confessed that he has committed sexual intercourse with the deceased, however learned APP from the post mortem could not point out that the corroborating injuries are there.

5. So the case is restricted to offence under Sections 302, 394 read with 34 of the Indian Penal Code. Even though it may be

true that the learned Advocate for the Applicant tried to point out the lacunae in the prosecution case, when the case is based on circumstantial evidence, I am not accepting the request for bail for the reason that the robbed articles which are not in general nature which consists of ATM and the card belonging to the deceased were found in the house of the present Applicant.

6. Even though it may be true that they are recovered from her house at the instance of the accused no. 1, the fact is that they were recovered from her house it suggests about the involvement of this applicant.

7. Learned APP pointed out that this Applicant who is resident of Ballia, District Uttar Pradesh have come to Bhayander for the purpose of implementing the plan. There are Call detail report suggesting the connection in between accused no. 1 and accused no. 3.

8. There is a statement of one Sonu Jagnarayan Chavan (at page no. 181) with whom accused no. 2-Sunil Chavan is working with one company. The said witness Sonu J. Chavan has heard arrested accused no. 1-Sonu Vijay Chavan was interacting with someone. Prosecution claims that the said interaction is with person

none other than with the present Applicant. That is why C.D.R., is relevant. So these materials are sufficient to detain the Applicant for the offence charge-sheeted.

9. Even though it may be true that bail is asked on account of her illness as she is suffering from HIV and there are supporting documents at page no. 316 onwards. This ground was also taken before the learned Additional Sessions Judge. It is observed in para no. 12. She is suffering from HIV positive and medical papers suggest that history it is since 2014. The said documents can be given to the jail authority to give her better treatment. Let Jail authorities to give her proper treatment whichever is possible. Even the applicant is at liberty to ask for necessary direction form the trial court.

10. Hence with these observations, application is rejected.

11. If the trial is not commenced within a period of one year she is at liberty to ask for bail.

[S. M. MODAK, J.]