



Diksha Rane

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

BAIL APPLICATION NO.1348/2023

RAJABAI TUKARAM MANE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vikrant V. Phatate a/w. Adv. Vijay Bengude i/b. Adv.
Vishal Waghela for the applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 28, 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, 201, 120-B of the Indian
Penal Code (hereafter 'IPC' for short) registered on
1/11/2021 vide C.R. No.1368/2021 with Sangola Police
Station, Taluka Sangola, District Solapur.

3. There are in all five accused. The applicant is the
accused no.5. The applicant is the wife of the deceased. It is
alleged that the present applicant had transferred certain

sums of money to the accused No.2 Sachin Hanmant Lavate with whom she was alleged to be having illicit relations. The deceased was asking the details from the present applicant about such a transfer and therefore, it is alleged that the accused hatched plan to eliminate the husband of the present applicant. There was a recovery of wooden stick from the accused Sachin.

4. For the reasons mentioned in the order dated 16/3/2023 in Bail Application No.1737/2022, the accused Sachin Hanmant Lavate has been enlarged on bail. The relevant portion of the order dated 16/3/2023 reads thus:-

“3. The aforesaid crime was registered pursuant to the first information report lodged by Ankush Mane, son of deceased Tukaram Mane. The FIR prima facie reveals that the Applicant was having illicit relationship with the mother of the Complainant due to which there used to be constant fights between his parents i.e. the deceased and the mother of the first informant. In his supplementary statement the first informant has further stated that without the knowledge of his father, his mother had transferred huge amount into the account of the present Applicant, as well as in to the account of co-accused. He suspects that the Applicant and others who had received money from his mother had decided to eliminate his father i.e. deceased Tukaram, as to appropriate the said amount.

4. It is stated that a wooden stick has been recovered at the

instance of the Applicant. Prosecution has till date not obtained the C.A. report to indicate that the stick recovered at the instance of the Applicant was stained with blood with the same blood group as that of the deceased. Apart from the said recovery, there is no other material on record to show the involvement of the Applicant in commission of the crime.

5. The contention that the Application was having illicit relationship with the wife of the deceased and that she had transferred the amount of Rs.10,00,000/- into his account without the knowledge of the deceased may at the most be a motive of commission of crime. Though motive is an important element in commission of a crime, in the absence of any other material to show involvement of the Applicant in commission of the crime, he cannot be detained in custody solely on the basis of proof of motive alone.”

5. Learned APP opposed the application for bail.

6. The applicant is in custody for more than three years with no possibility of the trial concluding any time soon. 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. In such circumstances, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Rajabai Tukaram Mane in connection with C.R. No.1368/2021 registered with Sangola Police Station, Taluka Sangola, District Solapur, 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.

7. The application is disposed of.

(M. S. KARNIK, J.)