

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2403 OF 2022

Saraswati @ Guddu Deepak Sangale ... Applicant

V/s.

State of Maharashtra ... Respondent

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Mr. Rajesh Kumar Salpuram i/b. Mr. Sudhir Khatu, Advocate for Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

Mr. Tupe, PSI- MRA Police Station present.

Mr. Mehre, PSI – V. B. Nagar Police Station present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 11th SEPTEMBER 2023

P. C:-

1. By this Application, Applicant is seeking bail in C.R.No. 297 of 2021 registered with V.B.Nagar Police Station, Mumbai for the offence punishable under Sections 364, 302, 328, 201, 202, 212 read with 34 of Indian Penal Code (for short “IPC”).

2. It is the prosecution's case that complainant, sister of deceased had lodged missing complaint of her brother Kotya with police as he was not traceable. In investigation, it was revealed that, Applicant along with co-accused murdered the deceased Kotya by giving sleeping pill in his tea and co-accused stabbed him to death.

3. It is the contention of learned Counsel for Applicant that, Applicant is the wife of deceased. As per prosecution's case co-accused Manisha had mixed sleeping pills in tea to deceased Kotya and thereafter co-accused assaulted the deceased with knife and then they disposed of his body. There are no allegations against the Applicant that when deceased was murdered, Applicant was present. Applicant is behind the bar more than two years. Hence, requested to allow the application.

4. It is the contention of learned APP that, Applicant is the wife of deceased. When complainant initially asked her about the whereabouts of the deceased, she did not tell about him. It shows her involvement in the crime. Hence, requested to reject the Application.

5. I have heard both the learned Counsel.

6. Perused the FIR and charge-sheet. It appears from the charge-sheet that, sister-in-law of Kotya i.e. co-accused Manisha had in connivance with other co-accused had killed Kotya. No role is attributed to the Applicant in the said killing. Investigation is completed and charge-sheet has been filed. Applicant is behind the bar more than two years. Considering the above facts, further detention of the Applicant is not required.

7. In view of the above, I pass following Order:-

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 297 of 2021 registered with V. B.Nagar Police Station on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform her latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)