

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

BAIL APPLICATION NO.3698 OF 2021

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Deepika Deepak Amle ..Applicant

VS.

The State of Maharashtra ..Respondent

Adv. Tahera R. Qureshi for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

Mr. Mane, PSI, Shahapur Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 31, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Deepika Deepak Amle in connection with C.R. No.311 of 2017 dated 22/06/2017 registered with Shahapur Police Station for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code, 1860.

3. The applicant was arrested on 22/06/2017. She is in custody for more than 5 years and 7 months. The applicant is a woman. The applicant is alleged to have committed the

murder of her husband-Deepak Amle. It is the allegation that the applicant was involved in love affair with the accused No.2-Prasad Pandit Sante.

4. Learned APP invited my attention to the statement of one of the witness at page 123 of the paper book to demonstrate that the applicant, accused No.2 and the deceased were working in one company. The witness has stated that he had seen the applicant and the accused No.2 together thereby indicating that there was an affair between them. In the night of 21/06/2017 Deepak left the house. The accused No.2 along with accused Nos.3, 4 and 5 are alleged to have killed Deepak. Deepak's dead body was found floating in the river. There are witnesses who stated that at the relevant time accused No.2, 3, 4 and 5 were seen near the river. So far as the present applicant is concerned, the evidence against her is circumstantial in nature. The motive attributed is that because she had an affair with the accused No.2, she is the prime suspect. Apart from the fact that the case is based entirely on circumstantial evidence against the present applicant, it

needs to be considered that the applicant, a woman is languishing in custody for more than 5 year and 7 months with no possibility of the trial concluding any time soon. Only the charge has been framed. The charge-sheet has been filed and the investigation is complete. No purpose will be served by further continuing the custody of the applicant. The applicant will suffer the consequences if she is convicted in the trial.

5. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Deepika Deepak Amle shall be released on bail in connection with C.R. No.311 of 2017 registered with Shahapur Police Station, 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) The applicant shall attend the trial regularly.

(f) 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.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)