



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [BA] No.766 of 2023

Neeta Gajanan Mandale

vs.

State of Maharashtra, through P.S.O., Police Station Talegaon, District Amravati

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Ms. F.N. Haidari, Advocate for the Applicant.

Mr. A.M. Kadukar, A.P.P. for the Non-Applicant/State.

CORAM : **M.W. CHANDWANI, J.**
DATE : **13th OCTOBER, 2023.**

By the present application, the applicant seeks bail in connection with Crime No.456/2022, registered with Police Station Talegaon, District Amravati, for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code.

02] Heard the learned Counsel for the applicant as well as the learned Additional Public Prosecutor for the State.

03] Having gone through the charge-sheet, it transpires that the accusation against the applicant is that she along with other co-accused committed murder of her husband-Gajanan Mandale. The applicant is the wife of deceased Gajanan, whereas other co-accused are brothers and relatives of the applicant. It is the prosecution story that the applicant had been to the house of her father after quarrel took place between the deceased and the applicant. The deceased went to the parental house of the applicant and again quarrelled with her father. At that time, all the accused were present there. They got annoyed with the frequent quarrels between the applicant and the deceased so also between the deceased and the father of the applicant

and, therefore, all they eliminated the deceased by visiting his place of residence.

04] There is no direct evidence in the present case against the applicant. Charge-sheet indicates that the motive behind crime is the frequent quarrels between the applicant and the deceased on the count that the applicant is having relationship with one Vinod Bawne. Vinod Bawne is not an accused in this crime. Rather, it is nobody's case that this crime has been committed at his instance. The material against the present applicant is that blood stained 'saree' came to be recovered at the instance of the applicant. Till the date, no C.A. Report has been filed on record. The applicant is lady. The co-accused namely Durgesh Pohankar, having similar role, has been released on bail. The applicant is behind bars since last one year.

05] Considering the peculiar facts of the case and the nature of evidence against the applicant and on the ground of parity, a case is made out for bail. I am of the considered view that no fruitful purpose will be served by keeping the applicant in jail.

06] The observations made in this order are *prima facie* in nature and are made for deciding the present application only. The trial Court shall not get influenced by the observations made in this order. Resultantly, the following order is passed :

ORDER

- I. Applicant – Neeta Gajanan Mandale shall be released on bail in connection with Crime No.456/2022, registered with Police Station Talegaon, District Amravati, on her furnishing a P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount, before the trial Court.

- II. The applicant shall, at the time of execution of bond, furnish her address and telephone/mobile number(s) to the Investigating Officer and the Court concerned, and shall not change the same till the final disposal of the case.
- III. The applicant shall co-operate in the investigation and regularly attend the Court on each and every date, except under extreme circumstances to the satisfaction of the trial Court.
- IV. The applicant shall not in any manner directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
- V. The applicant shall maintain law and order.
- VI. In case of breach of any conditions, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.
- VII. The application is allowed and disposed of accordingly.

JUDGE

**sandesh*