

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1020 OF 2024
WITH
CRIMINAL APPLICATION NO. 2862 OF 2024
IN BA/1020/2024

Bebitai W/o Parmeshwar Shinde

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Rajendrraa Deshmukh, Senior Counsel
a/w Ms. Rakshanda Jaiswal & Mr. Nimish More i/b Mr. Devang
Deshmukh

APP for Respondent/State : Ms. P.R. Bharaswadkar

Advocate for Complainant : Ms. Ashwini A. Lomte

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CORAM : S.G. MEHARE, J.

DATED : JULY 18, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. The applicant seeks bail in Crime No.375 of 2023 registered with Vimantal Police Station, District Nanded for the offence punishable under Sections 302, 120-B of the Indian Penal Code and Sections 4/25 of the Arms Act.
3. The deceased and applicant were the relatives. It has been alleged against her that she plotted a conspiracy against the deceased since his brother killed her son. Admittedly, she was not on the spot of the incident. However, the police collected some evidence to prima facie show that she had plotted the conspiracy.

4. Learned senior counsel for the applicant has vehemently argued that the material witness namely Sanket after his statement recorded under Section 161 of the Criminal Procedure Code did not appeared before the Magistrate because he did know nothing about the incident. The so-called conversation made by the applicant with him also does not inspire the confidence. He was the witness afterthought. The evidence collected against the applicant is weak. The trial may take its time. Hence, she may be granted bail.

5. Learned counsel for the complainant and learned APP for the State would submit that the statement of the witness Sanket is specific. At the relevant time, the applicant made him a phone call. She was asking him for assistance and help. The main accused uttered that he is going to stab the deceased. The people were also available when the applicant had expressed her anger on the death of her son that she would not leave the assailant. She would also submit that there are antecedents to the discredit of the applicant. She is the prime conspirator at whose instance the incident happened. She had knowledge about the incident. Therefore, she may not be granted bail.

6. This is a case of revenge after the murder of son of the applicant by the brother of the deceased. The applicant was not present on the spot of the incident. The statement of the witnesses and CDR reveal that she made a call to the witness namely Sanket.

Before that, the main accused called him but he did not pick it up. The CDR does not match with the statement of the witness. She is a woman. Her antecedents would not come in the way as the Court examined her role in the present crime.

7. For the above reasons, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Bebitai W/o Parmeshwar Shinde, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses and shall attend the trial on each and every date.
 - (b) The applicant shall stay away from Nanded city for three months from the date of her release. However, she is allowed to attend the trial at Sessions Court, Nanded during that period.
 - (c) The applicant shall furnish her address proof and cell phone number to the Court with an undertaking that she would not change it till the trial is concluded.

(4)

(iii) Criminal Application No.2862 of 2024 stands disposed of.

(S.G. MEHARE, J.)

Mujaheed//