



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 BAIL APPLICATION NO.1084 OF 2024
WITH
CRIMINAL APPLICATION NO.2839 OF 2024
IN BA/1084/2024

ARTI YOGESH SHELKE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Ingole Dhanraj S.
APP for Respondent/s-State : Ms. S. S. Joshi.
Advocate for Informant to assist APP : Mr. S. E. Shekade.

...

CORAM : S. G. MEHARE, J.
DATE : 24.07.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the victim.
2. The applicant, who is wife of the deceased seeks bail in Crime No.37 of 2024, registered with Belwandi Police Station, Taluka Shrigonda, District Ahmednagar, for the offences punishable under Sections 302, 452, 143, 147, 148, 149, 506 and 120-B of the IPC and 4/25 of the Arms Act.
3. The applicant has lodged the first information report that some unknown person came to her house and knocked on

the door. She opened it. That time, she saw one person masked his face holding the sickle. She started shouting. That time, he put the sickle to her neck. Thereafter, they committed the murder of her husband. However, during the course of investigation, particularly, after the confessional statement of the co-accused about having illicit relations with this applicant, the prosecution has brought the case that the applicant was the conspirator in committing the murder of her husband.

4. Learned counsel for the applicant would submit that the story of illicit relations with co-accused No.2 has been developed subsequently. Before the incident, no incident as such were noticed that raise the suspicion that she had illicit relations with co-accused No.2. He would submit that the applicant has been made a scapegoat. She has no reason to facilitate the co-accused to kill her husband.

5. The prosecution has a case that the father-in-law was sitting in the Courtyard, saw co-accused No.2. His statement to that effect was not immediately recorded. This is a story developed after thought to implicate the accused falsely in the crime.

6. Learned APP and learned counsel for the victim would submit that the conduct of the applicant was suspicious. She had no reason to open the door at such odd hours. She did not shout immediately. Hence, the person sitting in the ad-joining room and her father-in-law could not hear the noise. She was allowed the assailants to kill her husband by opening the door. It has been transpired in the investigation that she had illicit relations with co-accused No.2. The deceased was brutally murdered. The applicant and the co-accused No.2 had engaged the contract killers. For no reason, the deceased had lost the life. The applicant had lodged the false first information immediately after the incident. The investigation took the turn after the confessional statement of co-accused No.2 disclosing that he had illicit relation with applicant and therefore, her husband was scolding the applicant for having her illicit relationship with co-accused No.2.

7. Considering the submissions of the respective learned counsels and material collected by the prosecution, there appears a balanced situation. Nothing incriminating has been recovered from the applicant. Her further detention would not be required. Charge sheet has been filed. Therefore, she

deserves bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ARTI YOGESH SHELKE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) She should not tamper with prosecution witnesses.
 - (b) She should not enter village Kothul, Taluka Shrigonda, Dist. Ahmednagar till the trial is concluded.
 - (c) She should attend the trial on every date.
- (iii) Criminal application No.2839 of 2024 to assist learned APP stands disposed of accordingly.

(S. G. MEHARE, J.)

...