



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1634 OF 2023

Kalpana Shashikant Patil
Age. 34 years, Occ. Household,
R/o. Chitoda, Tq. Yawal,
Dist. Jalgaon.

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr. Satej S. Jadhav, Advocate for the applicant.
Mr. S.A Gaikwad, APP for the respondent/State.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 12.02.2024

PC :-

01. This is an application for regular bail under section 439 of the Cr.P.C. The applicant is arrested in Crime No. 396 of 2022 registered with Yawal Police Station, Dist. Jalgaon for the offences punishable under sections 302, 120-B read with section 34 of the Indian Penal Code.

02. The informant is brother of deceased Manoj Santosh Bhangale. Applicant/accused No.1 is a woman of 34 years age and she is a member of *Bachatgat* of village Chitoda, Tal. Yawal, Dist. Jalgaon. It is averred in the

report that deceased Manoj gave an amount of Rs.4 lakhs to this applicant as a hand-loan, but it was not repaid. The applicant sent message to the deceased that she is ready to return the amount and called him at Dongar Kathora phata.

03. On 21.08.2022, Manoj went to this applicant as she sent Whatsapp message to come for receiving amount to her house. Accordingly, Manoj went there for receiving the amount, but he did not return to the house. Therefore, search was taken. However, he was not found. The dead body of Manoj was found in the field of Chandrakant Nimba Choudhari on second day. He was having 14 injuries, one out of which was cut throat injury sustained to Manoj. Therefore, report was lodged and the applicant and other three co-accused are arrested, one out of them was residing in her house as tenant and other two were residing in another village. The learned Advocate for the applicant submitted that the applicant is a woman and she has no criminal antecedents. The investigation is over. The alleged Whatsapp message calling deceased Manoj is not placed in the charge-sheet. Considering the facts and circumstances, it is lastly prayed to allow the application.

04. The learned APP for the respondent/State opposed the application and submitted that the applicant is involved in a serious crime of murder of deceased Manoj. She has made conspiracy to commit murder with the help of other accused, who are not released on bail. There is prima facie serious evidence against the applicant. It is lastly prayed to reject the application.

05. Perused the report and statements of witnesses as well as post-mortem report. No doubt, it is a homicidal death of brother of the informant. The documentary evidence particularly post mortem report shows that there were injuries to the throat of deceased Manoj. The Whatsapp message is not put on record to corroborate version of the informant and others. The statements of the witnesses are there. Meticulous consideration of the evidence is not necessary. The applicant has roots in the society. The trial will take long period. Considering the facts and circumstances of the case and particularly the fact that the applicant is a woman, the application deserves to be allowed on certain conditions.

06. Therefore, the application is allowed. The applicant be released on bail on execution of PR bond of Rs. 1,00,000/- (Rupees One Lakh) with solvent surety in like amount on following conditions :-

- a) The applicant shall not pressurize the prosecution witness and also tamper with the evidence.
- b) The applicant shall not enter village Chitoda, Tq. Yawal, Dist. Jalgaon till conclusion of the trial.

[SANJAY A. DESHMUKH, J.]