

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

BAIL APPLICATION NO.3229 OF 2023

Manisha Sopan Zalte

...Applicant

Versus

The State of Maharashtra

...Respondent

**WITH
INTERIM APPLICATION NO.1267 OF 2024
IN
BAIL APPLICATION NO.3229 OF 2023**

Chahabai Baburao Zalte

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal a/w Savvy Kolhekar, Divesh Mehani & Kunal N. Pednekar, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

Mr. Vaibhav D. Kadam, a/w Shrinath Badade, for the Intervenor.

CORAM: MADHAV J. JAMDAR, J.

DATED: 02nd APRIL 2024

P. C.

1. Heard Mr. Vagal, learned Counsel for the Applicant, Ms. Shinde, learned APP for the Respondent-State and Mr. Kadam, learned Counsel for the mother of the deceased.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	374 of 2022
2	Date of registration of F.I.R.	12/10/2022
3	Name of Police Station	Chandwad, District-Nashik

4	Section/s invoked	302, 307 & 120-B of the <i>I.P.C.</i> , 1860
5	Date of incident	11/10/2022
6	Date of arrest	14/10/2022
7	Date of filing Charge-sheet	10/01/2023

3. The Applicant is Accused No.3 and the wife of the deceased. As per the prosecution case, the Applicant was in a relationship outside of marriage with Accused No.1-Subhash Mesu Sansare and the Applicant committed murder of the deceased as the deceased objecting to and opposing the said relationship between the Applicant and Accused No.1.

4. Mr. Vagal, learned Counsel for the Applicant submitted that the role attributed to the present Applicant is that she along with other co-Accused persons hatched a conspiracy of killing the deceased and she helped the Accused Nos.1 and 2 in committing the offence in question. He submitted that the entire case is of circumstantial evidence. He submitted that the Applicant is incarcerated since 14th October 2022 and there is no progress in the trial till date. He submitted that the Applicant is a woman and she is in custody since more than 1 year and 6 months. He submitted that there is no eye-witness to the incident and that there are no incriminating circumstances against the present Applicant. He submitted that the Applicant is the mother of three children i.e. two daughters and one son and at present all the children are in 'Janardhan Swami Anath Ashram', Lasalgaon, District-Nashik as there is no one to care for them. He therefore submitted that the

Applicant be released on bail.

5. On the other hand, Ms. Shinde, learned APP and Mr. Kadam, learned Counsel for the mother of the deceased strongly opposed the Bail Application. Both of them submitted that the case is not of circumstantial evidence. The father of the deceased is injured and he is a witness to the incident. Both of them submitted that the present Applicant was in a relationship with the Accused No.1 and therefore along with other co-Accused she hatched a conspiracy of killing the deceased as the deceased who is the husband of the present Applicant was objecting to the said relationship outside of marriage between the Applicant and the Accused No.1. Both of them submitted that the crime is committed with complete premeditation and therefore the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 11th October 2022. The Applicant was arrested on 14th October 2022. It is an admitted position that investigation has been completed and Charge-sheet has been filed on 10th January 2023. As per the Charge-sheet, there are a total of 27 witnesses proposed to be examined by the prosecution. The Applicant is incarcerated for more than 1 year and 6 months. The trial is likely to take a considerably long time.

7. *Prima facie* there is substance in the contention raised by Ms.

Shinde, learned APP and Mr. Kadam, learned Counsel for the mother of the deceased that the Applicant along with co-Accused have entered into a conspiracy to kill the deceased as the Applicant was in a relationship outside of marriage with Accused No.1 and the deceased was objecting to the said relationship. In fact the position on record also shows that to mislead the investigation the Applicant has filed false F.I.R..

8. However, it is to be noted that the Applicant is the mother of three children, i.e. one daughter who is in 6th standard, another daughter in 3rd standard and a son in 1st standard. All of them are at present in 'Janardhan Swami Anath Ashram', Lasalgaon, District-Nashik. In view of the said submission made by learned Counsel for the Applicant that all these children are in an orphanage and that there is no one to care for them, the Secretary, High Court Legal Services Committee, Mumbai was asked to appoint two Para-Legal Volunteers to obtain information. Said Para-Legal Volunteers have visited the said orphanage at Lasalgaon, District-Nashik and submitted a Report. They have interviewed the son of the Applicant who is in 1st standard and the daughter who is in 6th standard. One daughter who is in 3rd standard was not available at the time when the Para-Legal Volunteers visited the said orphanage. However, both children have shown readiness to reside with their mother. Accordingly, the Applicant is

entitled to be enlarged on bail.

9. Mr. Vagal, learned Counsel for the Applicant states that as several witnesses are from Taluka-Chandwad, District-Nashik, the Applicant will therefore not reside within Taluka-Chandwad, District-Nashik and that the Applicant will reside at C/o. Sudhakar Vithoba Kadam, Somthane Shivar, Taluka-Yeola, District-Nashik.

10. The Applicant does not have any criminal antecedents.

11. The Applicant does not appear to be at risk of flight.

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

13. In view thereof, the following order:-

ORDER

- (a) The Applicant-Manisha Sopan Zalte be released on bail in connection with C.R. No.374 of 2022 registered with the Chandwad Police Station, District-Nashik on her furnishing PR. Bond of Rs.20,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Taluka-Chandwad, District-Nashik after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish her cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Yeola Taluka Police Station,

District-Nashik once in a month i.e. on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Yeola Taluka Police Station, District-Nashik to communicate details thereof to the Investigating Officer.

- (e) 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 such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender her passport, if any, to the Investigating Officer.

14. The Bail Application is disposed of accordingly.

15. In view of the disposal of the Bail Application, nothing survives in the Interim Application and the same is also disposed of.

16. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]