

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

BAIL APPLICATION NO.3808 OF 2023

Jyoti Aakash Gorkhe

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Sahana Manjesh, for the Applicant.

Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : MARCH 14, 2024

P.C.:

1. Heard Ms. Manjesh, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for the Respondent-State.

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.	97 of 2022
2	Date of registration of F.I.R.	12/02/2022
3	Name of Police Station	Dehuroad, District-Pune
4	Section/s invoked	302, 201 & 120-B r/w 34 of the <i>I.P.C., 1860</i>
5	Date of incident	30/01/2022
6	Date of arrest	12/02/2022
7	Date of filing Charge-sheet	12/05/2022

3. The prosecution case is as follows:-

(i) On 3rd February 2022, the Applicant filed a missing person report

with the Dehuroad Police Station, informing them that her husband, Aakash Ashok Gorkhe, was untraceable since 30th January 2022. The same was registered as Missing Person Report No.8/2022.

(ii) During the course of investigating into the said missing person complaint, the father and sister of the missing person were questioned, and they raised a suspicion regarding his well-being, and believed that the Applicant and her mother, Soni Umesh Jegare, had caused his disappearance. Following this, the mother of the Applicant and the Applicant were called in for questioning, at which time the Applicant's mother allegedly confessed to the murder of Aakash Ashok Gorkhe.

(iii) The mother of the Applicant allegedly further informed the investigating officers that the deceased used to abuse and harass her daughter, the Applicant herein, and therefore she promised her daughter that she would take care of her. In pursuance of this, the mother of the Applicant allegedly informed her friend Ravi Dhanu Rathod about her plan to kill the deceased, and sought his help. Ravi in turn suggested to the mother of the Applicant that she should enlist the help of the other co-accused namely, Ramvijay Babudhansingh Kumar, Sahil Sanjay Pancharas and Akshay alias Munna Chandrakant Londhe to help execute the plan and also lent her Rs.3000 to give to these other co-accused.

(iv) On 30th January 2023, the mother of the Applicant, along with

the Applicant, allegedly took the deceased to Dehugaon Kaman in an autorickshaw, from where he would travel onward to Chalisgaon for work. Co-accused Sahil, Akshay and Ram allegedly took the deceased in their autorickshaw from Dehugaon Kaman on the pretext of dropping the deceased at Chalisgaon, but on the way got him inebriated, took him to a field, where they beat the deceased to death. The body of the deceased was then dumped in an underground chamber.

4. Ms. Manjesh, learned Counsel for the Applicant submitted that the Applicant is a woman aged 21 years. She submitted that no active role is assigned to the Applicant. There are no recoveries at the instance of the Applicant. Even as per the prosecution case, only role which has been assigned to the Applicant is that she informed Accused No.1 i.e. her mother, of facing domestic abuse at the hands of the deceased i.e. her husband. She submitted that the case is of circumstantial evidence and there is no eye witness to the incident in question and one co-Accused has been granted bail. She submitted that the Applicant is a young woman and she is incarcerated for more than two years. There is no progress in the trial and even the charge is also not framed. She submitted that there are no antecedents against the Applicant.

5. On the other hand, Mr. Mangaonkar, learned APP strongly opposed the Bail Application. He submitted that the Applicant deliberately filed a missing person report with the Dehuroad Police

Station to misguide the investigation. He therefore submitted that the Applicant is the main conspirator and she was last seen together and therefore the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 30th January 2022, F.I.R. was lodged on 12th February 2022 and the Applicant was arrested on 12th February 2023. It is an admitted position that investigation has been completed and Charge-sheet has been filed on 12th May 2023. As per the Charge-sheet, there are about 20 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time. The Applicant is young woman aged 21 years. The Applicant is incarcerated for more than 2 years.

7. The Applicant does not have any criminal antecedents.

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

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

10. In view thereof, the following order:-

ORDER

- (a) The Applicant-Jyoti Aakash Gorkhe be released on bail in connection with C.R. No.97 of 2022 registered with the Dehuroad Police Station, District-Pune on her furnishing PR. Bond of Rs.10,000/- with one or two sureties in the like amount.
- (b) 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.

- (c) 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.
- (d) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (e) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (f) The Applicant shall surrender her passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

12. 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.]