



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.730 OF 2024

Payal d/o Rajkumar Nageshwar

..VS..

**State of Maharashtra, through Police Station Officer Police Station Ajni, Nagpur
(City), District Nagpur**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

**Shri Anil S.Mardikar, Senior Counsel assisted by Shri S.B.Gandhe, Adv. for the
Applicant.**

Shri U.R.Phasate, Additional Public Prosecutor for the State.

CORAM : URMILA JOSHI-PHALKE, J.

CLOSED ON : 02/09/2024

PRONOUNCED ON : 05/09/2024

1. By this application, the applicant seeks regular bail in connection with Crime No.312/2024 registered with the non-applicant/police station for offences punishable under Sections 120-B, 201, 279, 302 and 304-A of the Indian Penal Code and under Sections 134 and 177 of the Motor Vehicles Act.

2. The applicant is arrested on 11.6.2024 and since then she is in jail.

3. The crime is registered on the basis of a report lodged by Manish Purushottam Puttewar alleging that on 22.5.2024, at

about 11:00 am, he received an information that his father met with an accident and was admitted to “Alexis Hospital” at Mankapur, Nagpur. He immediately rushed to the hospital, but he came to know that his father died. There were injuries on his person before he could be treated. Upon enquiry, he was informed by his sister that when his father was proceeding from “Shiv Mandir” to “Balaji Nagar”, one Hyundai Car dashed him and he succumbed to injuries. On the basis of the same, initially, the crime was registered under Sections 279 and 304-A of the Indian Penal Code and 134 and 177 of the Motor Vehicles Act.

4. The investigating officer suspected some foul play and, therefore, the investigation was transferred to the Crime Branch and it revealed that the deceased was eliminated in pursuance to conspiracy between co-accused persons. During the investigation, it revealed that daughter-in-law of the deceased hatched a conspiracy with co-accused and eliminated the deceased. It was alleged that the applicant was facilitator and she assisted co-accused Archana in concealing mobile phone which was handed over to her by accused No.3. It was further alleged that at her instance, mobile phone of the co-accused was recovered. It was further revealed that she has also handed over

money to the co-accused on the say of accused Archana. Thus, it revealed that despite she was aware about conspiracy, she assisted the co-accused. On the basis of the same, the crime was registered against the applicant.

5. Heard learned Senior Counsel Shri Anil S.Mardikar for the applicant and learned Additional Public Prosecutor Shri U.R.Phasate for the State.

6. Learned Senior Counsel for the applicant submitted that except memorandum statement of the applicant and recovery of the mobile phone at her instance, there is no other material to show that either she was part of the conspiracy or she was aware about the conspiracy. The statement of co-accused Archana is not admissible. Only act attributed to her is that co-accused Archana handed over her formatted mobile phone and asked her to throw it away, but instead of throwing it away, she kept the said mobile phone with her which was seized at her instance. He submitted that the applicant was working with co-accused Archana and the same is revealed from the reply of the State also. As far as handing over the money by the applicant to the other co-accused, who are engaged to eliminate the deceased, is not substantiated by

any statements. Involvement of the applicant is neither in conspiracy nor in the actual incident. Now, the investigation is completed and chargesheet is filed. Her further incarceration is not required.

7. Learned Additional Public Prosecutor for the State strongly opposed the application on ground that during investigation role of the applicant is very well revealed. She handed over gold and cash to the co-accused. Thus, considering the role attributed to her, the application deserves to be rejected.

8. After hearing learned counsel for the applicant and learned Additional Public Prosecutor for the State and perusing investigation papers, it reveals that the applicant was working with co-accused Archana and, therefore, there was an acquaintance between them. Involvement of co-accused Archana was in conspiracy to eliminate the deceased who is her father-in-law.

9. As far as the applicant is concerned, one mobile phone of the co-accused was seized at her instance and from her statement, it revealed that it was handed over to her by the co-accused. Admittedly, involvement of the applicant is neither in

conspiracy nor in actual incident. As far as allegation of the prosecution, that she was instrumental in delivering cash and gold to the co-accused, is also not substantiated by any material. Thus, considering nature of the evidence and fact that investigation is completed and chargesheet is filed, she has made out a *prima facie* case for grant of bail. In the result, following order is passed:

ORDER

(1) The Criminal Application is **allowed**.

(2) Applicant - Payal d/o Rajkumar Nageshwar, in connection with Crime No.312/2024 registered with the non-applicant/police station for offences punishable under Sections 120-B, 201, 279, 302 and 304-A of the Indian Penal Code and under Sections 134 and 177 of the Motor Vehicles Act, be released on bail on her executing a P.R.Bond in the sum of Rs.25000/- with one solvent surety of the like amount.

(3) She shall attend the police station once a week between 10:00 am and 1:00 pm and shall cooperate with the investigating agency.

(4) She shall not directly or indirectly make any inducement and

threat or promise to any witnesses acquainted with facts of the case.

(5) She shall surrender her passport, if any, before the investigating agency.

(6) She shall not leave the jurisdiction of the Nagpur City without prior permission of the District Court, Nagpur.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!