



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 1057 OF 2024

ABHA D/O KAILAS UGHADE VS THE STATE OF MAHARASHTRA

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Amol Hunge, counsel for applicant.

Mr. H.D. Dubey, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 12/11/2024.

1. The applicant came to be arrested on 27/04/2024, in connection with Crime No. 283/2024 registered with Police Station Ramtek, District Nagpur for the offence punishable under Sections 120-B, 201, 302 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by Manoj Dadarao Khadse, A.P.I., on an allegation that on 17/04/2024, Rahul Kawdu Karemore was working as a Police Patil of village Bori, Tah. Ramtek, and was proceeding for a morning walk from Khindsi Bridge when he witnessed the crowd of people, and therefore, he went there and witnessed that a dead body of one unknown person was floating in the water. He immediately informed the police of the said incident, and accordingly, the A.D. was registered. During the investigation, the dead body was sent to the post mortem examination, and the cause of death was revealed as death due to manual strangulation. The

investigating agency also observed minor injuries on the deceased's person. Therefore, the crime was registered against the unknown person.

3. Moreover, during the investigation, the involvement of the co-accused, i.e. accused Nos. 1 and 2, was revealed, and they were arrested. During the interrogation with them, it was revealed that the present applicant, who was the sister of the deceased, made a phone call to the co-accused, namely Atul Raju Bhamode, and called him near Swami Narayan Temple and disclosed to him that the deceased is addicted to bad vices, like drinking liquor, and under the influence of liquor, he is harassing her and her mother. He was contacted to pay him by agreeing to pay them Rs. 10,000/-. Accordingly, the other co-accused, i.e. accused Nos. 1 and 2, took the deceased along with them, administered him liquor, and committed his murder by strangulating. Thus, the allegation against the present applicant is to the extent that she has conspired with the co-accused to kill the deceased along with her mother and eliminate the deceased. On the basis of the said report, police have registered the crime against the present applicant.

4. Heard learned counsel for the applicant, who submitted that except the statement of the co-accused, there is absolutely no material to connect the present applicant with the alleged offence. He submitted that as far as the conspiracy is concerned, there is no evidence that at any

point of time, the present applicant met the co-accused and agreed to pay them Rs. 10,000/-, and accordingly gave a contract to them to kill the deceased. He submitted that considering the entire case is based on circumstantial evidence, and except the statement of the co-accused, there is no other circumstance to connect the present applicant with the alleged offence. Now investigation is already completed, and charge-sheet is already filed. The co-accused, i.e. the mother, who has a similar role, is already released on bail by the Sessions Court, in view of that, the applicant be released on bail.

5. Learned APP strongly opposed the said application and submitted that the present applicant not only met the co-accused and entered into an agreement with them to eliminate the deceased, but she agreed to pay Rs. 10,000/- and accordingly paid the amount to the co-accused. Thus, considering the material evidence against the present applicant and the nature of the offence, which is serious in nature, the application deserves to be rejected.

6. Heard both sides, perused the entire investigation papers. On going through the investigation papers, it reveals that during the investigation, the investigating officer has recorded the statements of the relevant witnesses as well as memorandum statements of the co-accused. The CCTV footage is also collected, wherein the deceased was seen along with the co-accused. As far as the role of the present applicant is concerned, which is only to the extent

that she has made a telephonic call to one of the co-accused, namely Atul Raju Bhamode, and entered into an agreement with him to element the deceased on the payment of Rs. 10,000/-. As far as this material statement of the co-accused is concerned, which is admittedly not admissible. Even if the statement of the co-accused is taken into consideration, it is not substantiated by any material; even the investigating agency has not collected the CDR report to ascertain whether there is any link between the present applicant and other co-accused. Admittedly, direct evidence would not be available as far as the conspiracy is concerned, but there has to be some material to show the involvement of the present applicant in the conspiracy. The applicant has also made out a case for grant of bail on the ground of parity, as the co-accused, who is the mother of the deceased, to whom the similar role is attributed, is already released on bail by the Sessions Court. Considering the nature of the evidence against the present applicant, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

- a] Criminal application is **allowed**.
- b] The applicant -Abha d/o Kailas Ughade shall be released on bail, in connection with Crime No. 283/2024 registered with Police Station Ramtek, District Nagpur for the offence punishable under Sections 120-B, 201, 302 of

the Indian Penal Code, 1860, on executing P R. Bond of Rs. 50,000/- with one solvent surety in the like amount.

- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d] The applicant shall not leave the jurisdiction of the Nagpur District without prior permission of the Court.
- e] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]