



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

CRIMINAL APPLICATION (BA) No.69 OF 2024

(Jyoti w/o. Sanjay Ingle Vs. State of Maharashtra, through PSO, PS Patur, Distt. Akola)

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

Court's or Judge's orders.

Mr. R.K. Tiwari, Advocate for applicant.
Mr. S.S. Hulke, APP for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 09th FEBRUARY, 2024.

1. The applicant came to be arrested on 1.9.2023 in connection with Crime No.417/2023, registered with Police Station Patur, District Akola, punishable under Sections 302, 201, 200 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is that on 30.8.2023 the applicant alongwith her husband strangled one Milind Ingle, who is the nephew of the applicant and then attempted to cremate the body without informing the parents of the deceased and the Police. The motive suggested by the prosecution behind the crime is that the land owned by the deceased Milind and the husband of the applicant wants that said land is to be transferred to him. On receipt of the information of unnatural death, the Police had been to the crematory of the village and found that dead body of the deceased was put for performing last rights and the co-accused was giving

evasive answers. Thereafter, they were restrained from performing last rights and the dead body was sent for post mortem. On post mortem examination it reveals that deceased died due to strangulation. On the basis of said report Police have registered the crime.

3. Learned counsel for the applicant submitted that entire case is based on the circumstantial evidence. As far as the role of the present applicant is concerned he is only to the extent that she was residing alongwith the co-accused, who is her husband and the nature of allegation that she has not informed about the death of the deceased to the parents of the deceased. The another allegation against the present applicant is that after the incident she has called two persons, who are the villagers and she alongwith her husband tried to cremate the body without informing anybody.

4. Learned counsel for the applicant submitted that considering the nature of evidence admittedly the death of the deceased is caused in the house where the present applicant was residing alongwith her husband. The motive suggested is against the co-accused that he wants to grab the land of the deceased and, therefore, the death of deceased is caused. However, as far as present applicant is concerned there is no material to show that there was any strained relationship between the deceased and the present applicant. The statement of the wife of the deceased and father of the deceased is also recorded but they have also not stated anything incriminating against the present applicant. Now, investigation is complete and chargesheet

is filed. Further incarceration of the present applicant is not required, in view of that, she be released on bail.

5. Learned Additional Public Prosecutor strongly opposed the application and submitted that the present applicant in connivance with other co-accused committed the murder of the deceased and attempted to suppress the fact and also participated in cremation of the body without informing the parents of the deceased. Thus, prima facie case is made out against the present applicant and therefore the application deserves to be rejected.

6. I have heard learned counsel for the applicant and learned Additional Public Prosecutor for the State. Perused the recitals of the F.I.R. as well as investigation status with the help of learned Additional Public Prosecutor and learned counsel for the applicant. On perusal of the post mortem report it reveals that death of the deceased is caused due to the strangulation. There is no dispute as to the fact that present applicant is the wife of co-accused Sanjay Ingle and the deceased is the nephew of said Sanjay Ingle. Present applicant and the co-accused were residing in the house of the deceased and deceased had been to the village Bhandarejpur for pursuing his studies. Prior to 7 to 8 days the evidence collected by the Investigating Agency shows that after the death of the deceased is caused the co-accused has effected to cremate the dead body without informing the parents of the deceased. The motive suggested is also to the co-accused as far as present applicant is concerned only two statements are there which suggest that present applicant has called two villagers after

the said incident.

7. Considering the material collected during the investigation at this stage no direct evidence is available against the present applicant. Now, investigation is completed and chargesheet is filed. Further incarceration of the present applicant is not required. In view of that, application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order :

O R D E R

(i) The application is allowed.

(ii) The applicant – Jyoti w/o. Sanjay Ingle be released on bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount in connection with Crime No.417/2023, registered with Police Station Patur, District Akola, punishable under Sections 302, 201, 200 read with Section 34 of the Indian Penal Code.

(iii) The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of this case.

(iv) The applicant shall not leave jurisdiction of the district Akola without prior permission of the Court.

8. The application is disposed of.

(Urmila Joshi-Phalke, J.)