



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

CRIMINAL APPLICATION [BA] NO.264 OF 2024

(Sunita Umeshrao Khandar .vs. State of Maharashtra, Through Police Station Officer, Jalalkheda, Tah. Narkhed, District-Nagpur)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.M. Nafde, Advocate for Applicant,
Mr. D.V. Chauhan, Public Prosecutor for Non-Applicant-State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JUNE 26, 2024.

. The applicant came to be arrested in connection with Crime No.330/2023 for the offence punishable under Section 302 read with Section 120-B of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of the report lodged by Nikhil Diliprao Bahe, who is the nephew of the deceased, on an allegation that the present applicant was having illicit relations with co-accused Umesh Gulabrao Khandar. The deceased, who is the husband of the present applicant, was eliminated by the present applicant

and the other co-accused only for the purpose of having continuation with the said relationship.

3. The learned counsel for the applicant submitted that as far as the present applicant is concerned, except the statements of the relatives of the deceased, there is no other material to show that she was having illicit relations with the co-accused. As far as the circumstantial evidence is concerned, except the allegations, there is no material either to show that the applicant was seen along with the co-accused prior or after the incident. He submitted that the statements of the children are also recorded by the investigating agency which are only to the extent that the present applicant was visiting their house. As far as the visit to their house is concerned which cannot be the incriminating circumstance as they are from the same village. He submitted that now the investigation is completed, charge sheet is filed, further incarceration of the applicant is not required, she is having two children to look after and considering the same, she be released on bail.

4. Learned Public Prosecutor strongly opposed the said application on the ground that the offence is of heinous nature. The statements of the witnesses disclose that there was illicit relations between the present applicant and the

other co-accused as the husband of the present of the applicant was eliminated by the present applicant and the other co-accused. In view of that, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and the learned APP for the respondent-State, perused the entire investigation papers from which it reveals that except the allegations by the relatives of the deceased, there is no other material in the nature of any circumstance or the conduct of the present applicant to show that she was having illicit relations and in furtherance of their common object, they have eliminated the deceased. Thus, at this stage, no prima facie case is made out against the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Sunita Umeshrao Khandar shall be released on bail in connection with Crime No.330/2023 registered under Sections 302 read with Section 120-B of the Indian Penal Code on her executing P.R. Bond in the sum of Rs.25,000/- with one surety of like amount.

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

(iv) The applicant shall attend the proceeding before the trial court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

JUDGE