



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

CRIMINAL APPLICATION (BA) NO. 22 OF 2025

Sau. Prapti w/o Lucky Jagtap Vs 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. A.S. Moon, counsel for applicant.

Mr. Anant Ghongre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/04/2025.

1. The applicant came to be arrested on 03/10/2023 in connection with Crime No. 143 of 2023 registered with Police Station Dahegaon (Gosavi) Tah. Seloo, District Wardha for the offence punishable under Sections 302, 450, 120-B read with Section 34 of the Indian Penal Code, 1860; and Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of the report lodged by informant, on an allegation that the present applicant and other accused were acquainted with the deceased, Ankita Satish Bailbode. It was further claimed that accused No.5- Lucky Jagtap, the husband of the present applicant, was involved in a love affair with the deceased. As the applicant came to know about the relationship, the deceased was also insisting that the accused no.5 to give divorce to the present applicant and marry with them. For which accused no.1 was not ready, and therefore, he started avoiding the deceased.

Thereafter, the present applicant and the other co-accused entered into the conspiracy, and in pursuance of the said conspiracy, they came to the house of the deceased. As the deceased came out to see who was approaching the gate at the relevant time, the other co-accused assaulted her and caused her death. On the basis of the said report, police have registered the crime.

3. Heard learned counsel for the applicant, who submitted that one of the co-accused is already released on bail. Now, the investigation is already completed and charge-sheet is already filed; further incarceration of the present applicant is not required. In view of that, she be released on bail.

4. Learned APP strongly opposed the said application and submitted that it was the present applicant who had hatched the conspiracy along with the other co-accused and instigated the other co-accused to cause the death of the deceased, and other co-accused are prayed for that. Thus, considering the nature of the evidence, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that statements of the witnesses disclose that a conspiracy was hatched by the present applicant, who was part of the conspiracy. Thereafter, conspirators decided to cause the death of the deceased, who was having a relationship with the accused No. 5, Lucky. The present applicant is also identified by the

witnesses, who have seen the present applicant at the spot of the incident.

6. In view of the above facts and circumstances, this is not a fit case for use the discretion. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]