

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO. 3575 OF 2021**

Sunita Ramesh Rathod

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Piyush Toshniwal with Pratik Kalantri i/b. Harshal S. Patil for Applicant.  
Mrs.J.S. Lohokare, APP for State.

**CORAM : C.V. BHADANG, J.**

**DATED : 31 MARCH 2022**

**P.C. :**

. By this application, the Applicant is seeking release on bail in C.R.No.1502/2020 registered at Sinhagad Road Police Station, Pune for offences punishable under Sections 302, 109 read with 34 of IPC and under Sections 4(25) of Arms Act and under Sections 37(1) read with 135 of Maharashtra Police Act.

2. The aforesaid crime was registered on the basis of the complaint dated 4.5.2020 lodged by Mangala Vilas Thopte. According to the informant, the accused persons committed the murder of her foster daughter, Monika Ram Madne. She states that she and the deceased were acquainted with one Rahul @ Sonya Vaibase. He had requested them to handover them the gold ornaments as he wanted to raise a loan as he was in financial difficulty. The deceased had given her gold ornaments to Rahul Vaibase for being pledged. However, Rahul Vaibase had not returned the same. The matter was reported to the police against Rahul @ Sonya

Vaibase and his brother Dadya Vaibase. Therefore, both of them were annoyed with the deceased. Secondly, it is stated that the Rakesh Vegade, the elder brother of deceased Monika, had married with Reena Rathod about four years prior to the incident. However, Reena Rathod had developed illicit relations with Dadya Vaibase, on account of which the brother of the deceased, namely, Rakesh Vegade, started residing separately. On that count also, the deceased had an enmity with the present Applicant, Sunita Rathod and her brother, Rohit Rathod. It is the material prosecution case that on 4.5.2020 at about 12.15 to 12.30 p.m. when the deceased was going to washroom, the Applicant and co-accused assaulted her with a sharp weapon resulting into death of Monika. Based on the complaint, an offence came to be registered and after investigation, a chargesheet is filed.

3. I have heard learned Counsel for the parties. Perused record.

4. Upon hearing learned Counsel for the parties, it can be seen that the case is based on circumstantial evidence as there is no eye witness on account of any such assault available on record. The prosecution is mainly relied upon the circumstance about the previous enmity between the deceased and the present Applicant. It is also contended that Rahul Vaibase had not returned the gold ornaments to the deceased and that the matter was reported to the police. This was yet another reason why the Applicant intended to eliminate the deceased. The second circumstance also pertains to the motive, mainly, the dispute on account of the fact that Reena Rathod, who is wife of the brother of the deceased, had developed illicit relations with Dadya Vaibase.

5. Learned APP has pointed out the statements of certain witnesses, who had overheard a conversation between the accused on the same day, i.e. on 4 May 2020, in which the Applicant had allegedly instigated the co-accused to eliminate the deceased. Except these, there are no other circumstances brought to my notice.

6. *Prima facie* it can be seen that the motive, at the highest, can be one circumstances. Admittedly, there is no evidence to show that the Applicant was actually part of the incident, in which the deceased was assaulted. There is no recovery made from the Applicant. The investigation is complete and the chargesheet is filed. In addition, the Applicant would also be entitled to the benefit of first proviso to Sub-section (1) of Section 437 of Cr.PC.

7. In the result, the following order is passed :

#### **ORDER**

(i) The Applicant - Sunita Ramesh Rathod be released on bail in Crime No.1502/2020 registered at Sinhagad Road Police Station, Pune on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The Applicant shall undertake to remain present before the learned Session Judge during the trial, unless exempted.

(iii) The Applicant shall not tamper with the prosecution evidence/witnesses.

(iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(v) The bail bonds to be furnished before the learned Sessions Judge.

(vi) The Criminal Application is disposed of in the aforesaid terms.

**(C.V. BHADANG, J.)**