



Order below application vide Exh.15 for grant of bail
under Section 439 of Cr.P.C.
(Passed on this 20th day of April, 2023)

The applicant/accused **No.2 Sunita Arvind Pitale** has filed this application under Section 439 of Cr.P.C. for enlarging her on regular bail in connection with Crime No.208/2022 registered with Rural- Police Station, Latur for the offences punishable under Sections 302, 201, 120-B r.w. 34 of the Indian Penal Code (In short 'I.P.C.').

2. It is contended that, no offence is made out against applicant/accused. There is no iota of evidence against the applicant/accused. The dead-body of unidentified male was found on 10.10.2022 and Crime has been registered against unknown person. In the postmortem report, the cause of death is given by drowning. The applicant/accused has not committed any crime and she has been falsely involved in the Crime and false memorandum panchnama U/Sec. 27 of Indian Evidence Act has been prepared. The investigating officer recorded false statement, prepared false spot panchnama and other panchnamas, falsely arrested the applicant/accused in the crime and submitted false charge-sheet. Deceased was the husband of the applicant/accused and there was never any dispute between them. The accused No.1 has no relation with applicant/accused and he has been falsely

involved in the Crime. The applicant/accused had no motive to commit the alleged crime. The applicant/accused is well educated cultured and from respectable Malkari family. She has good character and she has been falsely involved in the Crime. The house of the applicant's husband is at Balajiwadi (Darewadi), Tah. Devni, Dist. Latur and she will not flee from justice. The applicant/accused is ready to abide the conditions which would be imposed by this Court. Hence, this application.

3. Investigating officer filed reply vide Exh.21 and same has been adopted by Ld. APP vide pursis Exh.22. It is contended by the investigating officer that on 10.10.2022 at or about 17.00 hours, Police Patil, Babhalgaon informed that, one dead-body is floating in a canal in the field of Vinayak Deshmukh. Then, Police reached at the spot and with the help of local swimmers took out said dead-body from the canal, the said dead-body was of male having age 25 to 30 years, both hands and legs were tide near knee joint by white coloured cloth, one red coloured bag containing stones was tide at the waist of the said body, the said dead-body was decomposed and there was bad oder, some body parts were gnawed (Kurtadne) by the water animals. From such position of the dead-body, it was prima-facie showing murder of that person. From the tobacco pocket and Samsung mobile in the pant pocket of that dead-body, he was identified as Arvind Narsing Pitale, R/o. Balajiwadi (Darewadi), Tah. Devni, Dist. Latur.

4. It is further contended that, during investigation, the statement of the witnesses were recorded and the applicant/accused and co-accused Subhash Sahebrao Shinde were

arrested. It was transpired that, there were illicit relations between applicant/accused and co-accused Subhash Shinde and the deceased was obstacle in their illicit relations. So, to remove said obstacle, the applicant/accused and co-accused hatched conspiracy, took deceased on motorcycle for dinner and liquor, consumed beer in Chandralok Bar and thereafter assaulted him by slaps. Then, took the deceased near the Babhalgaon Canal, assaulted him by striking his head and committed murder by pressing his throat and thereafter tied his hands and legs and also tied one red coloured bag containing stones at his waist and threw dead-body in the canal. It is further contended that, the CCTV footage at Chandralok Bar shows the presence of the applicant/accused, co-accused and deceased. The CCTV footage also shows about the assault by applicant/accused and co-accused to the deceased at the parking place of the Chandralok Bar. The various places and the place at where deceased was assaulted, his clothes were thrown and where his dead-body was thrown are disclosed and shown by the applicant/accused and co-accused under memorandum panchnama. There is strong circumstantial and electronic evidence against the applicant/accused. If the applicant/accused is enlarged on bail, then the possibility of threatening the prosecution witnesses can not be ruled out. So, urged to reject the bail application.

5. Heard Ld. Advocate appearing for the applicant/accused and Ld. A.P.P. appearing for the prosecution. Gone through the material on record.

6. The crime has been registered against the applicant/accused and co-accused for the offence punishable U/Sec. 302, 201, 120-B r.w. 34 of I.P.C. The statement of witnesses Narsing Vitthal Pitale, father of the deceased, Sangram Narsing Pitale, brother of deceased, Jyoti Sangram Pitale, sister-in-law of the deceased shows about the repeated visits of the co-accused No.2 to the house of deceased including halts for night with the wife of the deceased, in the house of deceased in his absence. This evidence on record shows about the illicit relations between the applicant/accused i.e. wife of the deceased and co-accused.

On the basis of disclosure statement made by the applicant/accused, the place where the conspiracy was hatched is disclosed by the applicant/accused. As per the disclosure statement made by co-accused, the place of hatching criminal conspiracy, the place from where the deceased was taken by the applicant/accused and co-accused, the places where both the accused took the deceased, the place and the bar in which the applicant/accused and co-accused and the deceased took dinner and consumed beer, the places where both the accused assaulted the deceased, the place where both the accused assaulted the deceased by striking his head and committed murder by throttling, the places where the torn clothes of the deceased were thrown, the place from where the clothes of the deceased were recovered and the place where the body of deceased was thrown in canal are disclosed. The photographs of the recording in the CCTV cameras at Thakre Chowk, Moti Nagar, Hotel Chandralok Bar and Restaurant, the

presence of the applicant/accused with the red coloured bag in her hand and the incident where applicant/accused and co-accused assaulted the victim are recorded in the CCTV cameras in and around the premises of Chandralok Bar. This material on record, prima-facie shows about the involvement of the applicant/accused in committing the murder of her own husband for removing his obstacle in the illicit relations with the co-accused.

7. The father, brother, sister-in-law and other close relatives of the deceased are the main prosecution witnesses. The possibility of threatening prosecution witnesses by the applicant/accused can not be ruled out. The nature of the offence is serious. The evidence on record prima-facie disclose about the involvement of the applicant/accused in serious crime. Considering the nature of the offence, its gravity and the apprehension of the investigating officer, the applicant/accused doesn't deserve to be enlarged on bail. Hence, this Court pass the following order.

ORDER

Application below **Exh.15** is hereby rejected.

(Dictated & pronounced in the Open Court).

Dated : 20th April. 2023.
Latur

(D. B. Mane)
Additional Sessions Judge-4,
Latur.