

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

CRIMINAL BAIL APPLICATION NO. 1892 OF 2016

Sujata Kamlesh Patel.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Balwant Salunkhe i/b. Mr. Satyavrat Joshi, advocate for Applicant.

Mr. R.M. Pethe, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 4, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 29/7/2016 in Crime No. 317/2016 registered at Shahupuri Police Station for the offence punishable under Section 394, 395, 120B read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 24/7/2016 Arunbhai Amrutbhai Sutar lodged a report at the police station alleging therein that on 23/7/2016 at about 5.30 p.m. he had taken about Rs. 30 Lakhs from the Manager of his company. He was proceeding towards Kolhapur by S.T. bus. When the bus had stopped at Sangli, he had called upon his acquaintance and informed him that he would reach within 5 minutes. His acquaintance had received him and they had proceeded on Aactiva. He had kept the bag containing the notes in the front space of Aactiva. That he had been suddenly attacked by unknown person, who had snatched the bag and left. The complainant and his friend were injured.

4 It appears that in the course of investigation, it was revealed that the tip was given by the present applicant. The papers of investigation would show that the husband of the applicant has given the cell phone and the SIM card number of the present applicant and the case is under investigation.

5 Be that as it may, the applicant is in jail for more than two months. Without going into the merits of the matter, by virtue of proviso to section 437 of the Code of Criminal Procedure, 1973, the applicant being woman is entitled to be enlarged on bail. The learned APP submits that there are no criminal antecedents. Hence, the applicant deserves to be enlarged on bail.

6 However, it is made clear that observations made herein above are prima facie in nature and are restricted to the application under Section 439 of the Code of Criminal Procedure, 1973. The learned trial Court shall not be influenced by the same at the time of trial.

7 Hence, following order is passed :

ORDER

(i) Application is allowed.

- (ii) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall report to the police station as and when called by the Investigating Officer and cooperate with the investigating agency.
- (iv) The applicant shall not tamper with the evidence.

8 Application stands disposed of.

(SMT. SADHANA S. JADHAV,J)