

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2033 OF 2017**

Mrs. Priyanka Vinod Patil	...	Applicant.
Versus		
The State of Maharashtra & Anr.		Respondents

**WITH
CRIMINAL APPLICATION NO. 948 OF 2017**

Shaligram B. More & Ors.	..	Interveners
In the matter between :		
Smt. Priyanka Vinod Patil	..	Applicant/Accused
vs.		
The State of Maharashtra	..	Respondent

Mr. Niranjan Mundargi a/w Mr. Veerdhaval Deshmukh i/b. Mr. Shashi D. Pandey ,for the applicant.

Ms. P.P. Shinde, APP, for the State.
Mr. Ashok R. Kakvipure, API, EOW, Nashik City present.
Mr. Karma Vivan,for the interveners.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 6th November, 2017.

P.C. :

1. Heard. This is a subsequent application seeking enlargement on bail under Section 439 of Cr.P.C. The previous application filed by the

applicant was rejected on 15.12.2016. The applicant is arrested on 14.11.2016 in Crime No.161 of 2016 registered at Gangapr Police Station, Nashik on 22.8.2016.

2. On 15.12.2016, the investigation was still in progress and charge sheet was not filed. Moreover, the husband of the applicant, who happens to be the main accused, was absconding. In the order dated 15.12.2016, this Court had not only considered the entire papers of investigation, but had also taken into consideration the arguments advanced across the Bar. This Court was also of the opinion that the matter could be considered on merits only after the filing of the charge-sheet and secondly after the husband of the applicant, who happens to be the main accused, would be arrested or would voluntarily surrender to the police. The merits of the case and the role attributed to the present applicant was considered in detail. This Court had also considered the transcript of the Whats App chat between the husband and wife and was of the opinion that the applicant was aware about the whereabouts of her husband and that she should co-operate with the police. Hence, the application was rejected.

3. After 15.12.2016, this Court has enlarged six co-accused on bail. It is true that the role attributed to them was considered by the Hon'ble

Court. However, taking into consideration the role attributed to the applicant, and the fact that her husband has surrendered on 16.3.2017, this Court is inclined to grant bail.

4. The learned counsel for the applicant submits that the applicant happens to be the mother of 2-1/2 year old child. The request of the learned counsel for the applicant seeking temporary cash bail for a period of 4 weeks is granted.

4A. The learned counsel for the intervener as well the learned APP Mrs Shinde submits that in the present case, charge is framed and, therefore, it can be safely inferred that the trial has commenced and hence the applicant does not deserve to be granted bail.

5. Normally, this Court would not consider an application for bail under Section 439 of Cr.P.C. after the charge is framed. However, in the present case, the Court cannot be oblivious of the fact that the present application is filed on 28.8.2017 and the charge is framed on 22.8.2017. It is a matter of record that the Investigating Officer has recorded statements of more than 250 witnesses who are the investors in the Firm "House Investment Co.Pvt.Ltd." It goes without saying that the trial will not be concluded within one year and therefore this Court is inclined to grant bail

without going into the merits of the matter once again.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.1,00,000/- and two or more solvent sureties in the like amount.
- (iii) The applicant be enlarged on provisional cash bail of Rs.1,00,000/- for a period of four weeks within which the applicant shall furnish solvent sureties and bonds.
- (iv) The applicant shall report to the Special Court, Nashik on each and every stipulated date. Upon failure to attend on any two consecutive dates, the prosecution would be at liberty to file an application seeking cancellation of bail.
- (iv) The applicant shall deposit her Passport with the Special Court, Nashik.
- (v) The applicant shall not leave Nashik till conclusion of the trial without prior permission of the Court.

The Application stands disposed of.

6. The Intervention Application is heard, allowed and disposed of.
7. Parties to act on an authenticated copy of this order.

(SMT. SADHANA S.JADHAV,J.)