

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 250 OF 2018

Kavita @ Nanki Chyacha Pawar. ... Applicant.

V/s.

State of Maharashtra. ... Respondent.

Mr. Ritesh Thobde a/w. Mr. Sagar Tambe, advocate for applicant.

Mr. S.R. Agarkar, APP for State.

Mr. Rajesh Deore, PI, Karmala Police Station.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 22, 2018.

P. C. :

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

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 23/7/2017 in Crime No. 450 of 2017 registered at Karmala Police Station for offence punishable under section 396,386, 120B of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 23/7/2017 in the intervening night of 22nd and 23rd of July, 2017, she had retired for sleeping alongwith her husband and two children. That in the middle of the night 3 persons had barged in to their house. She had heard the cries of a small child. Before she could realise what is happening, 3 persons entered into the house, two male members and one female

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member. Her husband was brutally assaulted with iron rod. Her husband had fallen unconscious and he was in pool of blood. The male persons were demanding Rs. 5 Lakhs from her and female had asked her for her anklet and other ornaments on her person, which she had quietly parted with. Thereafter, they had caused damage to the property in the house and had left the house. The supplementary statement of the complainant was recorded on 11/9/2017 and she had disclosed that the present applicant had illicit relations with her brother-in-law Sachin Talekar i.e. brother of her husband. In these circumstances, the husband of the first informant was looking after the family. There used to be clashes between both the brothers. Being fed up of the said clashes, they changed their place of residence. Prior to the incident, present applicant and Sachin had also tried to poison her husband and since then, he had almost severed his relations with his brother.

4 Learned APP has filed a report on record which shows that in the course of investigation, investigating agency had recorded the statement of the jeweller Washimbekar and he had disclosed to the police that the present applicant had sold the anklet and other ornaments to him which was recovered. In Crime No. 10/2016, the applicant is also charge-sheeted under section 65-E of the Bombay Prohibition Act and in fact. In Crime No. 66 of 2016 also she is charge-sheeted for offence punishable under section 65(E) of the Bombay Prohibition Act.

5 She appears to be habitual offender. She is into the business of distilling spurious liquor. It appears from the record that the applicant herein has lodged a report at Karmala Police Station against Rohidas Yadav, Santosh Yadav in Crime No. 6 of 2017. However, in the

course of investigation, a false report is filed. Investigating agency has filed B-summary report. Similarly, the applicant had filed a case under provisions of section 376, 323 of the Indian Penal Code against Vilas Bhagwan Shinde, Bhagwan Shinde, Kaka Bhau Shinde which was registered as Crime No. 77 of 2009. At the time of trial, she had denied to have seen those person prior to the date of recording of evidence.

6 The report further indicates that she is. in fact, in the habit of filing false report against the villagers and then compromising the same.

7 The learned Counsel for the applicant vehemently submits that the applicant has been falsely implicated. According to the learned Counsel, the complainant was knowing the present applicant. However, she has not named her in the first information report although it is not her case that the faces of the accused were muffled. It is also submitted that by way of belated supplementary statement, a false story is concocted against the applicant.

8 Upon perusal of the papers of investigation, it is more than clear that the contents of the FIR are corroborated by the statement of other witnesses especially, the jeweller to whom the applicant had sold the anklet of the first informant.

9 Taking into consideration the incriminating material against the applicant and the police record, this Court is of the opinion that no case for bail is made out. Bail application being sans merits, stands rejected and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]