IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1767 OF 2021

Sonali Balasaheb Javale Applicant
versus
The State of Maharashtra Respondent

Mr.Aniket Vagal, Advocate for applicant.
Mr.S.R.Agarkar, APP, for Respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd July 2021

PC :

1. The applicant is arrested in CR No.288 of 2018, dated 10th June 2018 registered with Hinjewadi Police Station, Pune, for the offences punishable under Sections 302, 397 r/w 34 of Indian Penal Code, 1860.

2. Prosecution case is that the complaint was lodged by Datta Vasant Bhondve, alleging that on 9th June 2018 at about 8.30 p.m, the complainant, his wife and son were returning home since the complainant was suffering from vomiting and loose motion. He stopped his car near Bhoomkar Chowk and purchased medicine from the medical store. Thereafter he proceeded towards the residence by highway along with his wife and eight months old son. The complainant felt like vomiting and hence he stopped his car on the side of the road and got down from the vehicle. At that time two unknown persons sat on the rear seat of his car. One of them pointed out knife on the neck of the complainant. Other person pressed the mouth of his wife with hand kerchief. She fell

MANISH SURESH THATTE
Digitally signed by MANISH SURESH THATTE
Date: 2021.08.02 16:23:01 +0530

unconscious. The said person also pressed the mouth of complainant with hand kerchief. However, he was not unconscious. The complainant was told to proceed further with the car. Thereafter the accused told him to stop the car. One of them had tied neck of his wife. His son started crying. Person sitting on the rear seat closed the mouth of son by hand kerchief. The complainant tried to get down from the vehicle. The person sitting on the rear seat assaulted the complainant by blow on his head and back by some weapon. The complainant was tied to the seat of the car. He was unconscious. He regained consciousness at around 11.00 p.m. The phone of his wife was ringing. Caller was brother of complainant. The complainant told about incident. Some people came near the vehicle. They were taken to the hospital. The accused took away mobile phone and cash of Rs.50,000/- the gold chain from the person of complainant and Mangalsutra of his wife. The wife and son of complainant were declared dead. The FIR was lodged. During the course of investigation, it was revealed that the complainant is involved in crime. He was impleaded as accused. During the course of investigation, involvement of the applicant and the other accused was also revealed. The applicant was arrested on 10th June 2018. He was produced before the Court. He was remanded to custody. The prosecution case against the applicant is that she was conspirator with accused Datta Bhondve and others in committing murder of victims. Datta Bhondve who was the original complainant was arrested. Three other persons were also arrested. On completing investigation charge sheet is filed.

3. The applicant had preferred application for bail before this Court which was rejected by order dated 15th January 2020.

Subsequently another application for bail was preferred, which was disposed of on 10th February 2021. While disposing off the said application it was pointed out that due to pandemic situation the accused were not produced. It was directed that the applicant is lady and she is in custody from two and half years and hence trial was expedited. The Trial Court was directed to make an endeavour to proceed with trial. The accused be produced from jail.

4. Learned advocate for applicant submitted that in spite of directions to conclude trial expeditiously, there is no progress in trial. The applicant is in custody since last three years. The situation of pandemic continues. The applicant is lady. There is nothing on record to show that she had motive to mill the victim. There is no evidence to show that applicant and accused no.1 were in relationship. Although it is alleged that applicant had ordered chloroform, however, there is no proof that chloroform was used in commission of crime. The statement of Vrushali Thorat indicate that she was in relation with accused no.1. The applicant cannot be kept in custody for indefinite period.

5. Learned APP submitted that previous applications were rejected by this Court. The offence is serious. The applicant has participated in crime. On account of pandemic situation there is no progress in trial.

6. The applicant is in custody from 10th June 2018. She has undergone detention for about three years. Case is based on circumstantial evidence. It is true that previous applications for bail were rejected. In spite of trial being expedited, there is no progress

in the trial. It is not clear as to when trial would commence and would conclude. Considering the role attributed to the applicant and the fact that she is in custody since last three years, further detention of the applicant is not necessary. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.1767 of 2021 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No.288 of 2018 registered with Hinjewadi Police Station, Pune on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report concerned Police Station once in three months on first Saturday of the month between 11.00 am to 1.00 pm till further order;

(iv) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of twelve weeks in lieu of surety;

(v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

MST