

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1223 OF 2019**

Maya Bhaskar Sawant ... Applicant

V/s.

State of Maharashtra ... Respondent

Mr. Uday Warunjikar, for the Applicant.

Ms. P.P. Shinde - APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 4th MARCH 2021.

PC. :

1. Heard the learned APP and the learned counsel for the applicant.
2. This Court had rejected the application under section 439 of Cr.PC filed by the present applicant on 12th July 2018. The applicant is arrested in Crime No.286 of 2017 on 8th July 2017. The investigation was completed and charge sheet was filed. However, taking into consideration the facts of the case and the gravity of the offence, this Court had rejected the said application. Hence, this is a subsequent application seeking enlargement on bail. Application filed by the

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present applicant was rejected on 12th July 2018. However, it appears that the applicant had subsequently filed an application before the trial Court under section 439 of Cr.P.C. By that time, the complainant was won over and on 27th July 2018, during the pendency of the said criminal bail application, the complainant had filed an affidavit exonerating the applicant in Crime No.286 of 2017.

3. This is a subsequent application and the applicant herein is praying for enlargement on bail on the ground of illness of her son viz. Amol Bhaskar Sawant. The son of the applicant viz. Amol is diagnosed with moderate mental retardation to the extent of 60%. The learned APP has placed on record a report which shows that Amol was admitted in the Regional Mental Hospital at Yerwada, Pune on 27th October 2020 and is discharged on 21st January 2021. The Mental Hospital has diagnosed him with sub-normal intelligence. It is submitted that the son of the applicant is unable to pursue his daily chores. There is no male member in the family to look after him. Two daughters of the present applicant are married and are residing in their matrimonial home whereas third daughter is at present only bread earner in the family. The son of the applicant is 32 years old and he

needs to be looked after. The learned counsel for the applicant submits that the applicant herein is seeking enlargement on bail on humanitarian grounds and that, as a mother, it would be the duty to look after her only son. She has been in custody for more than three years. No doubt, that the main indictment against the applicant is that for extortion and threatening the complainant.

4. Taking into consideration the health of the only son of the applicant, this Court is of the opinion that although the earlier application was rejected on merits, the applicant herein deserves to be enlarged on bail on humanitarian grounds. Hence, the following order :

ORDER

- (i) The application is allowed;
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more solvent sureties with the like amount;
- (iii) The applicant shall report to Bhosari Police Station on the first Monday of each month till the commencement of the trial. Upon failure to attend the Police Station on more than

two occasions, the prosecution is at liberty to file an application seeking cancellation of bail;

(iv) Application is disposed of on above terms.

(SMT. SADHANA S. JADHAV, J)