

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2307 OF 2021

Sunita Raju Chamare ...Applicant

Versus

The State of Maharashtra ...Respondent

.....
Mr. Aniket Vagal for the Applicant.
Mrs. Anamika Malhotra, APP for the Respondent -State.
.....

CORAM : V.G.BISHT, J.
RESERVED ON : 16TH NOVEMBER, 2021
PRONOUNCED ON : 25TH NOVEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 1002 of 2020 registered with Lonikand Police Station, Pune Rural for offences punishable under Sections 302, 364, 120B, 201 read with 34 of the Indian Penal Code (the IPC) and under Sections 4 and 25 of the Arms Act and under Section 37 (1) read with 135 of the Bombay Police Act.

2. It is the case of the prosecution that informant is the wife of Govind Kumkar (since deceased), who used to give tips to the police about illegal activities in Perne, Wagholi etc. The applicant is her neighbour and is engaged in the business of sale of liquor. The deceased had given information to the police about illegal business of the applicant.

3. The prosecution alleges that on 15th November, 2020, the deceased was found dead. During the investigation, accused No.1, namely, Satyam Chamare came to be arrested and he revealed that the present applicant was annoyed due to giving of tips of her illegal activities by deceased to the police. The applicant along with other accused hatched conspiracy to eliminate deceased. Accordingly with the help of juvenile offender Shivanjali Deshmukh, deceased was called at Perne Phata where he was assaulted by accused Satyam Chamare, Balu Warghade and Shubham Chamare by means of sickle and axe and his dead body was concealed in

the forest. Accordingly, after conclusion of investigation, the charge-sheet came to be filed.

4. Mr. Vagal, learned Counsel for the applicant, submits that there is no direct evidence against the present applicant. Investigation is already completed. Learned Counsel, then, invited my attention to the affidavit-cum-declaration filed by applicant pursuant to the order of this Court (**Coram : Revati Mohite Dere, J.**) dated 6th October, 2021 and would submit that the applicant being a woman, be released on bail.

5. Mrs. Malhotra, learned APP, on the other hand, oppose the submission by contending that the present applicant was one of the conspirator and it is at her instance, all the accused conspired and killed the deceased. The offence being of serious nature, the application may not be allowed.

6. Perused investigation papers and the statements of various prosecution witnesses. Apparently, the role of present applicant in the assault of deceased is not discernible. As far

as the theory of criminal conspiracy is concerned, same will have to be proved at the time of evidence by the prosecution witnesses. Moreover, the affidavit-cum-declaration given by applicant shows that if she is released on bail, she will not indulge in any criminal or anti social activities henceforth, will regularly attend the trial Court and will co-operate in conclusion of the trial and she will not pressurize any witness.

7. Having regard to the material on record, in my considered opinion, the applicant deserves to be enlarged on bail. Hence, the following order :

ORDER

(i) Applicant- Sunita Raju Chamare shall be released on bail in C.R. No. 1002 of 2020 registered with Lonikand Police Station, Pune Rural on her executing P.R. Bond in the sum of Rs. 25,000/- with one or two local surety/ sureties in like amount.

(ii) The affidavit-cum-declaration, which is marked as 'X', shall form the part of bail order.

(iii) Bail before the trial Court.

(iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) The application is allowed in the aforesaid terms and disposed of accordingly.

(V.G.BISHT, J.)

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