

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3485 OF 2021**

Smt. Sangita Nandkumar Sabale ... Applicant

Versus

The state of Maharashtra ... Respondent

Mr. Shailesh Chavan, for the Applicant.

Smt. P. P. Shinde, APP, for the State-Respondent.

CORAM : V. G. BISHT, J.

**RESERVED ON : 25th October, 2021.
PRONOUNCED ON : 29th October, 2021.**

PC:-

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 393 of 2020 registered with Satara Taluka Police Station, District-Satara for the offences punishable under Section 302, 143, 147, 148, 149, 201, 452 r/w 34 of the Indian Penal Code.

2 It is the case of the prosecution that informant, namely, Dheeraj Kumbhar, Police Constable, at the relevant time attached to Satara Taluka Police Station, states that the incident in question took place on 21/07/2020. The informant in his complaint dated 22/07/2020 further

states that whilst he was on patrolling duty he received a phone call that one Priti Sabale was being assaulted. On contacting her, Priti Sabale disclosed that her brother Amit and Ranjit, who are accused, were assaulting their neighbour Sachin-deceased. The informant further states that when he visited the spot, he saw deceased was lying on the ground with bleeding injuries on his person. The deceased disclosed him that accused Ranjit and Amit had assaulted him with an axe. As per informant, Priti Sabale disclosed him that her brothers, namely, Ranjit and Amit had assaulted the deceased as latter was harassing her and her daughter.

3 Mr. Chavan, learned Counsel for the applicant, submits that the name of the applicant is nowhere revealed in the FIR. No overt act is attributed on her part. Applicant is a woman and is in jail since date of arrest i.e. 7/12/2020. Investigation is completed and therefore, her custody is not at all required.

4 Smt. Shinde, learned APP, on the other hand, opposed the submission by submitting that the applicant also participated while assaulting the deceased and then invited my attention to the statement of Prasad Satish Sabale. Learned APP then would submit that having regard to the gravity of accusation, application need not be allowed.

5 Admittedly, the name of applicant is nowhere mentioned in the FIR. It appears from the investigation papers, more particularly, from the statement of Prasad Satish Sabale dated 26/08/2020 that to after more than one month of the alleged incident, he revealed the name of the applicant in the statement. The witness alleges that he had seen the accused and others assaulting the deceased by means of an axe. So far as the role of present applicant is concerned, the said witness alleges that she had used stick in the assault. Except that there is nothing. However, one cannot be oblivious of the fact that earlier this witness on 22/07/2020 expressed ignorance as to the incident and only on 26/08/2020 came with a case that he had seen the present applicant and others assaulting the deceased. The reason given in the statement is that because of fear he had not revealed the real incident before the police. The said explanation on the face of it does not sound convincing and satisfactory.

6 It is also seen from the record that the applicant is in custody since 2020. The investigation is completed and charge-sheet has also been filed in the case. In such circumstances, her detention behind the bar is unwarranted.

7 Considering the role of the applicant as noted herein above, I am of the considered view that a case for grant of bail is made out by the applicant. Hence, the following order.

ORDER

(i) Applicant- Sangita Nandkumar Sabale shall be released on bail in C.R. No. 393 of 2020 registered with Satara Taluka Police Station, on hes executing P .R. bond in the sum of Rs.20,000/- with one or two sureties in like amount.

(ii) The applicant shall not tamper with prosecution evidence.

(iii) The observations made herein-above are prima-facie in its nature for the purpose of deciding the bail application only. The trial Court shall not be influenced by the observations while deciding the case on merits.

(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.

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(V. G. BISHT, J.)