

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (BA)837/2021

Kalpana Sawarkar V State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. C.R. Thakur, Advocate for applicant.
Mr. M.K. Pathan, APP for State.

CORAM : ROHIT B. DEO, J.
DATE : August, 20, 2021.

The applicant is seeking bail in connection with Crime 15 of 2021 registered with Police Station Jalalkheda, District Nagpur, under Sections 143, 147, 148, 149, 302, 201 of the Indian Penal Code (for short, 'I.P.C.').

2. The case of the prosecution is that on 17-01-2021 at 3.30 p.m. the co-accused Gaurav, Vicky and Shrawan assaulted Sharad Chapale with knife/s and the injuries proved fatal.

3. The role attributed to the applicant is that she held the deceased and facilitated the assault.

4. The motive which is alleged is the rivalry between two families, which is documented.

5. I have scrutinized the material in the chargesheet.

There is indeed prima facie material to hold that the applicant did play some role in the incident. However, considering that the only witness who is not related or linked with the rival families Mr. Wasudeo gave a different version in the Section 164 of the Code of Criminal Procedure statement, the fact that the investigation is complete and the chargesheet is filed and particularly the fact that the applicant is a woman, a case for grant of bail is made out.

6. As abundant caution it is clarified that bail is granted considering the limited role attributed and particularly the fact that the applicant is woman.

7. The applicant be released on bail in connection with Crime 15 of 2021 registered with Police Station Jalalkheda, District Nagpur, under Sections 143, 147, 148, 149, 302, 201 of the I.P.C., on executing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand) with one solvent surety of the like amount.

8. The applicant shall, within 48 hrs of release from custody, furnish the current address, cell number/s and any other relevant details by placing on record of the jurisdictional Court an appropriate praecipe and shall scrupulously update this information in case of any change.

9. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

10. The applicant shall not leave the country without the permission of the trial Court.

JUDGE

Deshmukh