

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3691 OF 2021

Sarita Arvind Hegade ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Aniket Vagal for the Applicant.

Mr. A.R. Kapadnis, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 11 NOVEMBER 2022

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 134 of 2019 registered at Shahuwadi Police Station, Kolhapur for the offence punishable under Sections 395, 394, 341, 120-B, 324, 323, 504, 506 of Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. According to the prosecution, the present applicant and other co-accused are members of organized crime syndicate. It is alleged that present applicant and other co-accused had hatched the conspiracy to rob the complainant and other traders and pursuant to the said conspiracy on

7th April 2019, the co-accused in the present crime accosted the complainant and other traders, assaulted them and took away Rs.3,93,200/-.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the applicant is roped in the present crime just because she is the second wife of co-accused Arvind Hegade. It is submitted that the only allegation against the present applicant is of conspiracy. However, there is no material to that effect in the charge-sheet. It is submitted that the applicant is in jail for more than three years. It is submitted that considering these facts and circumstances, the applicant be released on bail.

6. On the other hand, the learned APP for the State submits that the applicant is member of organized crime syndicate. It is submitted that there are confessional statements of present applicant and co-accused Arvind Hegade. It is submitted that perusal of said confessional statements would show that applicant was part of conspiracy to commit decoity. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The allegation against the present applicant is that, she was one of the conspirators to commit alleged decoity. I have perused the alleged confessional statements. From the alleged confessional statements

prima facie, it is difficult to infer that the applicant was the part of the alleged conspiracy to commit decoity. Considering these facts and as the applicant is in jail for more than three years, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Sarita Arvind Hegade be released on bail in Crime No. 134 of 2019 registered at Shahuwadi Police Station, Kolhapur for the offence punishable under Sections 395, 394, 341, 120-B, 324, 323, 504, 506 of Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)