

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 586 OF 2022

Harshada Arun Sonawane	...Applicant
V/s.	
State of Maharashtra	...Respondent

Mr. N. R. Bubna, for the Applicant.
Mrs. J. S. Lohokare, APP for the Respondent / State.
PC 2857 – D.D. Bairagi, Satana Police Station Nashik.

**CORAM : C.V. BHADANG, J.
DATE : 22 AUGUST 2022**

P.C.

. This being the second application for bail, has been placed before this Bench as the previous application being Criminal Bail Application (St) No.2413/2020 was rejected by this Bench on 4 January 2021.

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2. The Applicant – Accused who is a lady aged about 26 years, with a five years old child, is facing prosecution for the offence punishable under Section 302, 201 r/w. 34 of IPC. The Applicant happens to be Accused No.1 in the trial.

3. According to the prosecution, the deceased had some objectionable video recording of the Applicant and on account of that was harassing the Applicant, threatening to make it public.

This according to the prosecution, is the motive which prompted the Applicant in connivance with the Accused No.2 to assault the deceased, resulting into his death.

4. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

5. The prosecution case is based on circumstantial evidence as there are no eye witness to the alleged incident of assault by the Applicant and the co-accused on the deceased. A perusal of the order dated 4 January 2021 shows that there was a transcript of the conversation recorded between the Applicant and the Accused No.2 wherein the Applicant had allegedly made a call to the Accused No.2 from the mobile of her nephew Prithviraj Ahire. The other circumstances is about the recovery of blood stained saree from the Applicant.

6. While rejecting the previous application, liberty was granted to the Applicant to renew the request for bail in the event, there is no progress in the trial. Even after one and half years of passing of said order, it appears that there is no substantial progress in the trial in as much as out of four witnesses examined by the prosecution, the last witness is examined somewhere in December 2021. After this, the trial could not be proceed on account of the fact that original complainant has

sought time for appointment of Special Public Prosecutor. Learned APP submitted that there are no instructions as to whether a formal application is made to the Government or not.

7. Be that as it may, the fact remains that trial has not proceeded with since December 2021. In addition, the Applicant being a lady would be entitled to the benefit of first proviso to sub section 1 of Section 437 of Cr.P.C.

8. In such circumstances, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Harshada Arun Sonawane, be released on bail in Crime No.193/2020 of Police Station Satana, Nashik Rural, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- (iii) The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial, unless exempted.
- (iv) The Applicant shall not directly or indirectly make any attempt to contact or influence the prosecution evidence and shall not otherwise tamper with the prosecution evidence.
- (v) Bail bonds to be furnished before the

learned Sessions Judge.

(vi) The criminal application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.