

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

BAIL APPLICATION NO.1752 OF 2022

Jakina Jevar Kale

Age 35 years, Occu:Household,

R/o Narkhed, Tal.Mohol,

Dist.-Solapur

At present Solapur District Jail ... Applicant/Accused.

Versus

The State of Maharashtra Respondent.

(Through Karkamb Police Station

Dist.-Solapur vide CR No.13/2022)

...

Mr Priyal Sarda, Advocate for the Applicant.

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

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CORAM : R. N. LADDHA, J.

DATE : 20 DECEMBER 2022.

P.C.:

Heard Mr Priyal Sarda, learned Counsel appearing on behalf of the Applicant and Mr A.R.Kapadnis, learned Additional Public Prosecutor for the Respondent State.

2. By this application, the Applicant is seeking bail in connection with C.R.No.13 of 2022 registered at Karkamb Police

Station, Solapur, against the Applicant for the offences punishable under Sections 395 of the Indian Penal Code and Section 4 and 25 of the Indian Arms Act.

3. It is the case of the prosecution that the Applicant offered the complainant to sell gold ornaments at half rate. When the informant and his friend reached to the spot, where the transaction of sell and purchase was to take place, the present Applicant and other co-accused took out sickles from their bags and gave threats to kill and thereafter snatched the entire amount which was with them.

4. Mr Priyal Sarda, learned Counsel appearing on behalf of the Applicant, submitted that the co-accused Ratilal, having a similar role has been released on bail and therefore, the Applicant is entitled to parity. It is submitted that Applicant has no criminal antecedents. It is submitted that the investigation is complete, and the charge sheet has been filed. It is submitted that there was delay in conducting Test Identification Parade. Further, it is submitted that there is no recovery/discovery at the behest of the present Applicant. It is submitted that she is woman and is having school going children.

5. Mr A.R.Kapadnis, learned Additional Public Prosecutor appearing for the State, submitted that the offence is serious and the Applicant was actively involved in the offence. The learned APP has fairly admitted that there was considerable delay in

conducting the Test Identification Parade.

6. This Court has perused the copy of the charge sheet filed along with the accompanying documents. The material on record shows that the co-accused Ratilal, having a similar role has been released on bail by this Court on 20.10.2020. There is nothing on record to show that the Applicant has criminal antecedents. The investigation is complete, and the charge sheet has been filed. Further, it appears that there is a delay in conducting the Test Identification Parade. Admittedly, FIR was lodged against unknown persons. There appears no recovery/discovery at the behest of the present Applicant. The applicant is woman.

7. In view of the above, the application is allowed in the following terms :

- a) The Applicant Jakina Javar Kale be released on bail in connection with C.R.No.13 of 2022 registered at Karkamb Police Station, Solapur, on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the concerned Court.
- b) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

- c) The Applicant shall furnish the permanent address and contact details to the Inspector of the concerned Police Station and intimate the change, if any.
 - d) The Applicant shall regularly attend the proceedings before the jurisdictional Court.
8. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]