

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

BAIL APPLICATION NO. 128 OF 2023

Asha Fulchand More	vs.	...Applicant
The State of Maharashtra		...Respondent

Mr. Shekhar A. Ingawale - Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 16th JANUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant/Accused No. 8- Asha More and learned APP for the Respondent-State.
2. The present Applicant came to be arrested in connection with offence registered at Khandala Police Station bearing C.R. No. 159 of 2021 initially as vehicular accident on 13/12/2021. It was on the complaint of one Omkar Prakash Pawar. According to him, he alongwith his brother Prashant and father Prakash were travelling on motor cycle and deceased-Prashant was driving that motor cycle and in that accident Prashant died. Whereas first informant Omkar and his father Prakash was injured. The incident took place on 12/12/2021 at 6.30 p.m..

3. Then all the three were taken to different hospital and their medical certificates are collected during investigation. However after two days the first informant-Omkar on 14/12/2021 gave detailed description of the real incident and according to him in fact his brother-Prashant has not died during the vehicular accident but in fact all three were beaten by the accused persons and initially they were called by accused no. 1- Prakash Yadav. They were taken at different places and they were beaten with the help of fibre sticks. In fact the first informant-Omkar and his father-Prakash were compelled to telephone to their relatives that in fact the accident has taken place. In that assault Prashant has expired. Later on offence was converted into Sections 143, 147, 148, 149, 302, 307, 326, 324, 347, 201, 120(b), 504 and 506 of the Indian Penal Code. The present Applicant-Asha More came to be arrested on 16/12/2021 and her role is that she was present in the house belonging to arrested accused Asha Gole and the present Applicant is relative of another accused person – Vaishnavi. She claims that in that house the deceased Prashant was beaten and present Applicant has witnessed to that incident and she has not taken any action.

4. The background of the incident is that arrested accused

Vaishnavi married with Muslim boy and in fact the first informant-Omkar, his brother-Prashant and father-Prakash were called by the accused no. 1 to discuss on that issue. The present Applicant has got different version to tell and according to her in fact arrested accused Vaishnavi was raped by the first informant, his father and the deceased. That cannot be considered now. There is a reliance on the bail order passed by this Court in Criminal Bail Application No. 2947 of 2022 for arrested accused-Asha Gole and learned advocate for the Applicant-Asha More claims that the role of the present Applicant is not different from the role of the accused -Asha Gole.

5. The learned APP opposed the bail and he has not pointed out any material to show that the role of the present Applicant is different from the bail of accused-Asha Gole.

6. In view of that the Applicant-Asha More certainly entitled to release on bail. Hence following Order:-

ORDER

- (i) Criminal bail Application No. 128 of 2023 is allowed.
- (ii) The Applicant-Asha More arrested in connection with C.R. No. 159 of 2021 registered at Khandala Police Station, be released on bail on furnishing

PR bond and surety bond in the sum of Rs.25,000/- with one or more surety in the like amount.

- (iii) The Applicant-Asha More shall not threaten the prosecution witness.
- (iv) The Applicant shall regularly attend the proceedings before the trial Court.

[S. M. MODAK, J.]