

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

BAIL APPLICATION NO. 1337 OF 2023

Vaishnavi Balkrishna Shinde	...Applicant
vs.	
The State of Maharashtra	...Respondent

Adv. Shekhar Ingawale with Dr. Rohini S. Pandit - Advocate for the Applicant

Mr. S. R. Agarkar - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 23rd JUNE, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP
2. The present Applicant is accused no. 6 in the charge-sheet submitted by Khandala Police Station for the offence punishable under Sections 143, 147, 148, 149, 302, 307, 326, 324, 347, 120-B, 201, 504, 506 of the Indian Penal Code. In fact she is victim of the sexual assault by one Prakash Pawar and his two sons Omkar and Prashant. One Meena Pawar is her maternal aunt and Prakash is husband of the Meena. The present Applicant is resident

of the Pargaon, Taluka Khandala, District Satara. For the purpose of the education, she had come to stay alongwith her paternal aunt Veena Pawar, Village Anwadi, Taluka Wai, District Satara.

3. The said Vaishnavi is in love with one Amin. Prakash Pawar came to know about this relationship and on various pretext he has tried to blackmail her and even had sexual intercourse with her. There is further allegation that Omkar and Prashant being sons of the Prakash, they have also done similar act as that of father.

4. This is background of the incident of committing murder of Prashant. Father-Prakash and his two sons Omkar and Prashant, were travelling on 12/12/2021 on one motor cycle. Omkar gave intimation to the Khandala Police Station that their motor cycle slipped on the road. Prashant sustained serious injuries and he died out of those injuries. Initially, an offence under Section 279, 304 (a), 337 and 338 of the Indian Penal Code and under Section 184 of the Motor Vehicles Act came to be registered at Khandala Police Station on 13/12/2021. However, subsequently on the supplementary statement of the said Omkar recorded on 14/12/2021, it is disclosed that the death is not due to road accident but in fact the deceased-Prashant and both of them were beaten by several persons including

one Prakash Yadav and others. In that supplementary statement, the present Applicant is not named.

5. However he has quoted, why they were assaulted by the accused persons named in that statement and reason is that the first informant-Omkar and his father and deceased-Prashant raped Vaishnavi and on account of that all of them were beaten.

6. During investigation, the Police have recorded the statement of the various persons, so also few of them were recorded under Section 164 of the Criminal Procedure Code.

7. This Court has granted bail to one Asha More on 16/01/2023 vide bail Application No. 128 of 2023. The role alleged against her is that the deceased and other were beaten in the house of the co-accused-Asha Gole and said Applicant-Asha More was present. Whereas as per Order dated 06/01/2023, bail is granted to co-accused-Asha Gole, vide Bail Application No. 2947 of 2022, role alleged against her is that the deceased and others were beaten in her house.

8. Whereas role alleged against the present Applicant is that she was instrumental in informing to her relatives about sexual assault on her and she was instrumental in gathering all the accused

persons. It is submitted on behalf of the Applicant that in fact there is no intention to kill the deceased-Prashant and in fact the male members themselves have taken Prashant to the hospital and there are medical certificates and photographs taken from the CCTV footage installed outside the hospital. It suggests that male accused have admitted him in the hospital.

9. Whereas according to the learned APP the method adopted by the arrested accused alongwith present Applicant is highly condemnable. He submitted that even though she might be the victim of the sexual assault, she alongwith others have taken law into their own hands and she does not deserves to grant of the bail.

10. Be that it may, the materials pointed from the investigation papers that the present Applicant has played active part for beating and assaulting the deceased and others. Whatever the role assigned to her is only that of remaining present on the spot. Similarly situated accused persons Asha More and Asha Gole, they have been granted bail. It is true that vide Order dated 06/01/2023, this Court has refused bail to the co-accused Kunal vide Bail Application No. 2712 of 2022, the reasons are given in the said order.

11. So I do not find any reason to deviate from the benefits granted to them. Hence Applicant deserves to be released on bail.

Hence following Order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant-Vaishnavi Balkrishna Shinde arrested in connection with C.R. No. 159 of 2021 registered with Khandala Police Station for the offence punishable under Sections 143, 147, 148, 149, 302, 307, 326, 324, 347, 120-B, 201, 504, 506 of the Indian Penal Code, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 25,000/- with one or more surety in the like amount.
- (iii) Applicant shall not threaten the prosecution witnesses.
- (vi) The Applicant shall regularly attend the proceedings before the trial Court.
- (vii) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail after notice.

12. It is made clear that these are my prima facie observations and the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

13. Application is disposed of in the aforesaid terms.
14. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]