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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.171 OF 2023**

PRATIBHA HARIDAS RAJGURU ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.1310 OF 2023
IN
BAIL APPLICATION NO. 171 OF 2023**

ARVIND HIRALAL NAZARKAR ..APPLICANT
IN THE MATTER BETWEEN
PRATIBHA HARIDAS RAJGURU ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Aniket Nikam i/b. Mr. Amit Icham for the applicant.
Mr. M. G. Patil, APP for the State.
Mr. Viresh Purwant for intervener/original complainant.
HC Ganesh Ankush Jagtap, Solapur Rural Tembhurni Police
Station.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 25, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for original complainant.
2. I have not permitted learned counsel for the original complainant to address me and asked him to make his submissions through the learned APP.

3. In the present case the applicant is a woman. She is arraigned as the accused No.4.

4. This is an application for bail in respect of the offence punishable under Sections 406, 409, 420, 465, 467, 468, 470, 471, 477A, 201, 120-B read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.704 of 2020 with Tembhurni Police Station, District Solapur.

5. The FIR was registered on 31.12.2020. The applicant was arrested on 02.09.2021 and in custody almost for a period of 1 year and 11 months. The applicant is the wife of the accused No.1 who was working as a Branch Manager of the Co-operative Bank. It is alleged that the accused Nos.1 to 3 misappropriated the fund of the said Co-operative Bank. The accusations are that the accused No.1 purchased the properties in the name of his wife, that is the present applicant, and some of the properties were sold subsequently. I am informed that the trial has commenced. Six witnesses are examined and four witnesses remain to be examined.

6. Learned APP opposed the present application as the trial is on the verge of completion and submitted that the applicant should not be released on bail as there is possibility of the applicant tampering with the witnesses.

7. I have gone through the report dated 25.07.2023 of the B.J. Medical College in so far as the applicant is concerned. It is recorded thus :-

"This Patient Pratibha Haridas Rajguru was referred from Department of Medicine, Dr. V.M.G. Medical College, Solapur to B.J.G.M.C. & Sassoon General Hospital, Pune with provisional diagnosis of Left PICA territory infarct with progressive ventriculomegaly and hydrocephalus, for admission and expert care and management. This patient was admitted to MICU of Sassoon General Hospital, Pune on 24.06.2023 at 08:05 am under unit V with persistent symptoms of vomiting, headache, inability to get up and walk due to giddiness, symptoms indicative of raised intracranial tension due to cerebellar infarct with systemic hypertension. This patient was then referred to neurosurgery for expert opinion. Patient was managed as per the advice of neurosurgeon during hospital stay, with medical management and did not require surgical intervention. Over the course of hospital stay, patient responded to treatment and had significant improvement in her symptoms, clinical sign, radiological findings and level of her physical activities. Patient was then shifted to general ward with progressive decrease of assistance needed, with tapering of medical treatment. Patient had significant improvement in her medical condition. Her symptoms had resolved, with improvement in her neurological status, with controlled blood pressure and improvement in her level of independence for daily activities and she was discharged on 12.07.2023 with advice regarding diet, physical activities, to continue regular medicines and follow up etc. As per last

assessment of functional independence at the time of discharge, patient needed mild assistance for activities of mobility on level surface, for toilet use and for using stairs. She was able to do other activities independently like feeding, bathing, dressing, and transfer from bed to chair and back etc. Also her bladder and bowel was continent. She will require mild assistance for activities of mobility on level surface, for toilet use and for using stairs for minimum three months and reassessment will be required after three months."

8. Considering the medical condition, the fact that the applicant is a woman and in custody since 1 year and 11 months, I am inclined to enlarge the applicant on bail by imposing stringent conditions. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. Learned APP apprehends that the applicant may tamper with the witnesses. I propose to impose conditions to allay this apprehension. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Pratibha Haridas Rajguru in connection with C.R. No.704 of 2020 registered with Tembhurni Police Station, District Solapur shall be released on bail on her furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like

amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.50,000/- for a period of 4 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of the Tembhurni Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall attend the trial regularly.

(f) The applicant shall not enter the area of Solapur district except for the purpose of attending the trial and the Investigating Officer till the conclusion of the trial.

(g) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(h) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

- 9.** The application is disposed of.
- 10.** The interim application is also disposed of.

(M. S. KARNIK, J.)