



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

BAIL APPLICATION NO. 283 OF 2023

TRUPTI PARESH JOSHI

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Ms. Sudha Dwivedi a/w Mr. Irfan Khan i/b Sudha Dwivedi & Associates, for the applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 29, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 304, 406, 434, 385, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 registered on 31/07/2022 vide C.R. No.212 of 2022 with Khandeshwar Police Station, Navi Mumbai.

3. The applicant is the accused no.2. There are in all 3 accused. Accused no.1 is the husband of the present applicant. Accused no.1

is the cousin brother of Nipun. Nipun was suffering from the illness relating to his spinal cord and was not in a position to walk and to perform his daily activities. Nipun was initially staying with his parents. Accused no.1, accused no. 2 - the present applicant were called to the house by the parents of Nipun to look after Nipun. The allegation is that the accused no.1 and the present applicant were not taking good care of Nipun and were not giving him food on time. As a result of such act on the part of the applicant, Nipun died on 03/06/2019. The accusation is that the accused no.1 and the applicant failed to take proper care of Nipun though certain sums of money were transferred by the parents of Nipun in the account of accused no.1. Perusal of the statement would reveal that major accusations are against the accused no.1. The death certificate of Nipun reveals that cause of death was due to cardio-respiratory failure and due to consequences of spondylosis.

4. Learned APP while opposing the application for bail submitted that the offence is serious and statement of the witness would reveal that the applicant was not taking proper care of the victim. It is pointed out learned APP that in all fixed deposits, present applicant is the nominee and that accused no.1 and the present applicant instead

of taking care of Nipun, has misappropriated the amount.

5. The applicant is a woman and is in custody for more than 1 year and 2 months post her arrest on 02/08/2022. The trial will take a long time to conclude. The investigation is complete. The charge-sheet has been filed. In the facts and circumstances of the present case, the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Trupti Paresh Joshi in connection with C.R. No. 212 of 2022 registered with Khandeshwar Police Station, Navi Mumbai shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) 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.

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

(f) The applicant shall attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)