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

BAIL APPLICATION NO.756/2022

KAVITA MOHANSINGH KUNCHIKURVE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Shriganesh S. Sawalkar a/w. Adv. Mumtaz Mulla, Adv.
Rahul Bhise, Adv. Sunanda Shinde for the applicant.
Ms. P. N. Dabholkar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 31, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State. Learned APP strongly opposed the
application.

2. This is an application for bail in respect of the offence
punishable under Sections 302, 452, 325, 506(ii) read with
34 of the Indian Penal Code (hereafter 'IPC' for short),
registered vide First Information Report (FIR) No.23/2017
with the M.H.B. Colony Police Station.

3. The accused no.1-Rocky is the assailant. The incident
took place on January 20, 2017. The applicant is the
accused no.2. It is alleged that the accused no.1 was

residing with the accused no.2. The house of the accused no.2 caught fire. The informant's husband deceased Afzal was seen by the accused near the house. The accused carried the impression that it is the deceased Afzla who had set their house on fire. The accused, therefore, entered the house of Afzal. The accused no.1-Rocky is alleged to have assaulted the deceased with a knife. There are several stab injuries on the person of the deceased Afzal. The role attributed to the present applicant (original accused no.2) is that she caught hold the hands of the deceased Afzal and asked the accused no.1 to assault him. It is also alleged that when the informant tried to intervene, the applicant bit her finger.

4. The applicant was arrested on January 20, 2017. The applicant is a woman and is in custody for more than six years.

5. Learned APP submits that the charge is framed and the next date is February 3, 2023. The trial is likely to take some time as 26 witnesses are to be examined.

6. Considering the nature of the accusations, the role of the applicant and fact that she is in custody for more than

six years, the applicant can be enlarged on bail.

7. Learned APP pointed out that there are some criminal antecedents reported against the applicant. In my opinion, the same are not such the applicant should be deprived of the facility of bail particularly when she is in custody for more than six years.

8. Learned counsel for the applicant submits that till the trial is concluded, the applicant shall not reside within the area of M.H.B. Colony Police Station, Borivali (West), Mumbai. Statement is accepted.

9. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant-Kavita Mohansingh Kunchikurve in connection with FIR No.23/2017 with M.H.b. Colony Police Station, 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 be released on provisional cash bail of Rs.25,000/- for a period of six weeks from today.

(d) The applicant shall report to the Investigating Officer of the concerned police station once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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.

10. The application is disposed of.

(M. S. KARNIK, J.)