

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

CRIMINAL BAIL APPLICATION NO. 1148 OF 2022

Kalpana Ashok Pawar

....Applicant

Versus

State of Maharashtra

...Respondent

Mr.S.R. Mishra, Advocate for the Applicant.

Mr.Y.Y. Dabke, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th SEPTEMBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.61 of 2021 registered with Phaltan Police Station, District Satara,for offences punishable under Sections 302, 307, 324, 143, 147, 148 and 436 of Indian Penal Code read with Sections 3(1)(r)(s), 3(2)(va) and 3(2)(v) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act.

2. Initially complaint was lodged by applicant on 11th February 2021, stating that her father-in-law had purchased land at Pimprad, Taluka Phaltan from Pralhad Gorakh More. Son and

relatives of Pralhad were not allowing applicant and her family members to cultivate the said land as there was dispute between applicant's family and Pralhad's family. On 10th February 2021 at about 1.30 pm when applicant, her daughter, daughter-in-law, sister-in-law had gone to the said land, they stayed there. At about 11.00 pm, some people came there and they assaulted them with wooden bamboos. The applicant and her family members ran away. Her sister-in-law-Mouli was sleeping in the hut. Those persons poured kerosene and set the hut on fire. Those persons also assaulted the applicant with wooden bamboo on her head, due to which, she got injured. Thereafter, police came at the spot. She also went to the incident spot. The said hut was completely burnt along with articles kept therein. Applicant saw that her sister-in-law-Mouli who was sleeping in the hut got burnt totally. Hence, she lodged complaint against those persons by taking their names. On her complaint, police arrested Kundalik Bhagat, Satish Bhagat, Raju More, Machindra More and Sunil More. In investigation, it was revealed that the applicant had lodged false complaint and the said act was committed by the applicant and her family members. Hence, police released the persons who were arrested earlier under Section 169 of

Cr.PC. and arrested applicant and co-accused on the charges of murder of Mouli.

3. It is contention of learned counsel for applicant that applicant has been arrested on the statement of co-accused - Dnyaneshwar who has stated that applicant had assaulted deceased - Mouli with knife before she set the the hut on fire. Except the statement of co-accused, nothing is mentioned in the charge-sheet against the applicant. There is no recovery of weapon at the instance of applicant. Moreover, in postmortem report, there is no mention of stab injury on the body of deceased. Learned counsel further submitted that applicant is behind bar for more than two years. Hence, requested to allow the application.

4. It is contention of learned APP that applicant had filed false complaint against other persons. She was involved in the crime. Co-accused has stated that applicant had assaulted the deceased with knife. There is prima facie case against the applicant. If applicant is released on bail, she would threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused F.I.R. and charge-sheet. Applicant has been arrested in connection with the

crime on the basis of the statement of co-accused. Though there are allegations against applicant that she assaulted deceased with knife, there is no recovery of weapon at her instant. Post-mortem report of deceased does not show the stab injury. Applicant is behind bar for more than two years. Considering above facts, her further detention is not required.

6. In view of above, I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.61 of 2021 registered with Phaltan Police Station, District Satara, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform her latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt

to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)