



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

BAIL APPLICATION NO.988 OF 2023

MANJUDEVI MUKESHKUMAR GOMITWAL

@ SHARMA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aashish Satpute for the applicant.

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

HC G. N. Pote, Kalyan Crime Branch.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 4, 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 302, 394, 341, 450, 120-B, 201 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Section 37(1) read with 135 of the Mumbai Police Act read with Sections 4, 25 (1B) (b) of the Indian Arms Act registered on 24/5/2015 vide C.R. No.I-111/2015 with Nijampura Police Station, Thane.

3. The applicant who is the accused no.4 was arrested on

22/6/2015. The deceased was the husband of accused no.1. The accused no.1 expired during the pendency of the trial. It is the prosecution case that as the deceased was harassing the accused no.1 and ill-treating her, therefore, accused no.1 wanted to teach him a lesson. The accusations are that she confided in the present applicant who was her cook and sought her help. The applicant, in turn, contacted her brother to know whether there is anyone who can do the job on behalf of the accused no.1. Accordingly, the co-accused nos. 2 and 3 agreed. Accused nos. 2 and 3 committed the murder of the accused no.1's husband.

4. Learned APP submitted that apart from the statement of the brother of the present applicant indicating her role, there are CDR's on record which demonstrate that the applicant was in touch with the accused nos.2 and 3. The allegation against the present applicant is of conspiracy. The role in actual murder is not assigned to the present applicant.

5. Learned APP opposed the application for bail. She prayed that the trial be expedited as nine witnesses have been examined.

6. I find that sixteen more witnesses are still to be examined, therefore, it will be some time before the trial concluded.

7. Considering that the applicant is a woman and is now in custody for more than 8 years, in the facts and circumstances of the present case, the applicant can be enlarged on bail. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Manjudevi Mukeshkumar Gomtiwal @ Sharma in connection with C.R. No.I-111/2015 with Nijampura Police Station, Thane, 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 4 weeks in lieu of surety.

(d) The applicant shall not leave the Thane District till the trial is over without permission of the trial Court and surrender her passport, if any.

(e) The applicant shall attend trial regularly.

(f) 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.

(g) 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.

8. The application is disposed of.

(M. S. KARNIK, J.)