



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

BAIL APPLICATION NO. 4050 OF 2023

CHHAYA AMBADAS BABALSURE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. S.S. Sawalkar a/w Adv. Pallavi Jadhav a/w Adv.
Manjiree Dhuree a/w Adv. Sabiya Sayyed a/w Adv. Sunanda
Shinde a/w Adv. Aishwarya Dorwekar for the Applicant.

Mr. Y. Y. Dabke, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 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, 201, 177, 120-B and 34 of the Indian Penal Code registered on 26/10/2017 vide C.R. No.341 of 2017 with Vitthalwadi Police Station, Thane.
- 3.** The date of the alleged incident is 24/10/2017. It is the allegation of the prosecution that the applicant who is accused No.1 herein was in extra marital relationship with

accused No.2 who has been enlarged on bail. It is alleged that the applicant and the co-accused murdered the deceased who was the husband of the present applicant. The weapon used was a knife which was recovered from the house of the applicant. The decomposed body of the deceased was found in some other apartment.

4. Learned APP opposed the application and submitted that the applicant is accused of brutally killing her husband.

5. The applicant is a woman and is now in custody for more than 6 years as an undertrial from the date of her arrest i.e. 27/10/2017. The prosecution proposes to examine 36 witnesses. Considering the long incarceration of the applicant coupled with the fact that the trial is not likely to conclude any time soon, I am inclined to enlarge the applicant on bail as the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Chhaya Ambadas Babalsure in connection with C.R. No. 341 of 2017 registered with Vitthalwadi Police Station shall be released on bail on

her furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Vitthalwadi police station once in two months, first Monday of the concerned 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender her passport to the investigating officer. If the applicant does not have a passport, the applicant shall file an affidavit before the trial Court to that effect.

6. The application is disposed of.

(M. S. KARNIK, J.)