

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

BAIL APPLICATION NO. 35 OF 2024

Gitadevi *alias* Minadevi Ramnaresh Dhore .Applicant

Versus

The State of Maharashtra .Respondent

Mr. Chetan Deshmukh a/w. Mr. Anshuman R. A. Yadav, for Applicant.
Ms. Savita Yadav, APP, for Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 08.04.2024

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1. Heard Mr. Deshmukh, learned Counsel for the Applicant and Ms. Yadav, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C.R. No.	44 of 2023
2.	Date of registration of F.I.R.	07.06.2023
3.	Name of Police Station	Miraj Lohmarg, Satara
4.	Sections invoked	379 & 328 of the I.P.C., 1860
5.	Date of incident	07.06.2023
6.	Date of arrest	15.07.2023
7.	Date of filing of Charge-sheet	11.09.2023

3. As per the prosecution case, when the victim was travelling from Kolhapur to Navi Mumbai, one unknown woman started talking with her and both of them boarded Mahalaxmi Express. At about

12.00 a.m., the Applicant told the Informant that few persons have pelted stones on the train with an intent to commit robbery and therefore she asked the Informant to remove the jewellery and keep it in safe custody. Therefore, the Informant removed her jewellery and kept them in the handkerchief. After 15 minutes, by taking the Informant into confidence, the Applicant offered her food items like chivda, farsan etc.. After consuming said food items, the Informant slept. When she woke up, she found that her ornaments were missing and realised that they were stolen by the Applicant. Therefore, an F.I.R. was lodged against an unknown person.

4. Mr. Deshmukh, learned Counsel for the Applicant submitted that the Applicant is a 56 years old woman. She is incarcerated since 15.07.2023. He submitted that the maximum punishment for the said offence is imprisonment up to 10 years and not imprisonment for life.

5. On the other hand, Ms. Yadav, learned APP vehemently opposed the Bail Application. She submitted that the Applicant is a resident of Uttar Pradesh. The Applicant has been identified in the Test-Identification Period and there is only one antecedent.

6. Mr. Deshmukh, learned Counsel for the Applicant, submitted that although the Applicant is a resident of Uttar Pradesh, she will reside at the residence of Vishal Shivaji Shirode R/o. Shanti nagar, near LIC office, Koregaon, Satara and that she will attend the Lohmarg Police Station, Satara. Therefore, by imposing stringent conditions, the Applicant can be released on bail. He submitted that

as far as one antecedent is concerned, the Applicant has been released on bail in the said matter.

7. A perusal of the record shows that the incident in question has occurred on 07.06.2023. F.I.R. was lodged on 07.06.2023. The Applicant was apprehended on 15.07.2023. Investigation is complete and Charge-sheet has been filed on 11.09.2023. As per the Charge-sheet, there are about 17 witnesses to be examined by the prosecution. Till date, there is no further progress in the trial except framing of charge.

8. The Applicant is a woman aged 56 years. Although the Applicant is a resident of Uttar Pradesh, she will be staying at Koregaon, District – Satara till completion of the trial. Thus, she can be released on bail by imposing stringent conditions.

9. The trial is likely to take a considerably long time.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

ORDER

(a) The Applicant - Gitadevi *alias* Minadevi Ramnaresh Dhore be released on bail in connection with C.R. No.44 of 2023 registered with the Miraj Lohmarg Police Station, Satara on her furnishing P.R. Bond of Rs.25,000/- with one or two local sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish her cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Lohmarg Police Station, Satara once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Lohmarg Police Station, Satara to communicate details thereof to the Investigating Officer.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender her passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]