



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.377 OF 2024

Shamal Dattatray Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sachin Deokar, Advocate for the Applicant.

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

Ms. Vilasini Balsubramanian, Legal Aid Counsel, for the Informant.

Mr. Yuvraj S. Patil, Police Constable attached to Bhudargad Police Station, District-Kolhapur present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 12th FEBRUARY 2024PC:-

1. Heard Mr. Deokar, learned Counsel appearing for the Applicant, Ms. Balsubramanian, learned appointed Counsel appearing for the Informant and Mr. Gaikwad, learned APP appearing 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.	445 of 2023
2.	Date of Registration of F.I.R.	27/12/2023

3.	Name of Police Station	Bhudargad Police Station, District-Kolhapur
4.	Section/s invoked	306, 34 and 498-A of the I.P.C.,1860
5.	Date of Incident	26/12/2023
6.	Date of Arrest	28/12/2023

3. There are total four Accused. The Accused No.1 is husband of the deceased, Accused No.2 and 3 are the in-laws of the deceased and Accused No.4 is sister-in-law of the deceased. As per the prosecution case, the Applicant-Accused No.4 along with other Accused used to harass the deceased and therefore, the deceased died by suicide by jumping in a well along with her son aged 2 years.

4. It is the contention of Mr. Deokar, learned Counsel appearing for the Applicant that the Applicant is a woman aged 35 years. She has twin children aged 7 years. He submitted that the role attributed to the present Applicant is very limited. The Applicant is a resident of Nadavade, Taluka-Bhudargad, District-Kolhapur, whereas the deceased and other Accused were residing at village Bhendwade, Taluka-Bhudargad, District-Kolhapur. He submitted that as the Applicant is a married woman having twins aged 7

years, the Applicant used to visit her parents sometimes. He therefore, submitted that role of the Applicant in the offence is very limited.

5. On the other hand, it is the contention of Mr. Gaikwad, learned APP appearing for the Respondent-State and Ms. Balsubramanian, learned Counsel appointed to represent the interest of the Informant, that the offence is very serious. Charge-sheet is not yet filed. It is submitted that there was continues harassment due to which the deceased jumped into a well along with her son aged 2 years and therefore, the Bail Application be rejected.

6. Mr. Gaikwad, learned APP submitted that the Charge-sheet is pending for sanction and it will be filed within 2-3 days. Thus, it is clear that investigation is almost complete.

7. Apart from that, perusal of the F.I.R. shows that the role of the Applicant is limited. The Applicant is a woman aged 35 years, having twin children aged 7 years. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. There are no criminal antecedents against the present Applicant.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Shamal Dattatray Patil be released on bail in connection with C. R. No.445 of 2023 registered with the Bhudargad Police Station, Taluka-Bhudargad, District-Kolhapur on her furnishing P. R. Bond of Rs.20,000/- with one or two 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 Bhudargad Police

Station, Taluka-Bhudargad, District-Kolhapur once in two months either on the first or second Sunday of two monthly slot between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

- (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 evidence and shall not contact or influence the Complainant or any witnesses 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.

11. The Bail Application is disposed of accordingly.

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

(MADHAV J. JAMDAR, J.)