

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

CRIMINAL BAIL APPLICATION NO.1181 OF 2024

Swati Ramesh Ghule

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Sheetal M. Ubale i/by Mr. Rajaram V. Bansode Advocate for the Applicant.

Ms. Veera Shinde, APP for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 28th MARCH 2024

P. C.

1. Heard Ms. Ubale, learned Counsel for the Applicant and Ms. Shinde, 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:-

(a)	C.R. No.	712 of 2023
(b)	Date of registration of F.I.R.	22 nd March 2023
(c)	Name of Police Station	Phaltan Rural, District-Satara.
(d)	Section/s invoked	302, 449, 450, 323, 506 r/w 34 of <i>Indian Penal Code, 1860</i> .
(e)	Date of incident	19 th March 2023
(f)	Date of arrest	22 nd March 2023
(g)	Date of filing Charge-sheet	17 th June 2023

3. The present Applicant is the Accused No.3. The Accused No.1 is the husband of Accused No.3.

4. As per the prosecution case, the Injured person i.e. Somnath and the Accused No.3 were in a relationship outside of marriage. On 19th March 2023 at about 10.00 p.m., all the Accused persons entered the house of the Injured-Somnath and assaulted him. At that time, Accused No.1-Ramesh was in possession of a knife. The informant is the wife of the Injured-Somnath and the Deceased-Sitabai is the mother of the Injured-Somnath. As the Accused No.1-Ramesh was assaulting the injured with a knife and the Accused No.2 was assaulting the Injured with fist blows, the mother of the Injured tried to prevent the same and in the said scuffle, the Accused No.1 assaulted her i.e. the Deceased - Sitabai with a knife.

5. Ms. Ubale submitted that as per the prosecution case, the role of the present Applicant is that she assaulted the Injured with fist blows. She submitted that the Applicant is aged 36 years and is the mother of two children, one of whom is enrolled in the 10th grade.

6. On the other hand, Ms. Shinde, learned APP strongly opposed the Bail Application. She submitted that the Applicant has participated in the actual assault and therefore bail be not granted.

7. Perusal of the record shows that the incident in question occurred on 19th March 2023, F.I.R. was lodged on 22nd March 2023 and the Applicant was apprehended on 22nd March 2023.

Charge-sheet has been filed on 17th June 2023. There is no progress in the trial. As per the Charge-sheet, there are 33 witnesses proposed to be examined by the prosecution. The trial is not likely to conclude in a short duration and is likely to take a considerably long time. The Applicant is a woman aged 36 years having two children. The role attributed to the Applicant is that she has assaulted the Injured only with fist blows.

8. The Applicant does not appear to be at risk of flight.
9. The Applicant does not have any criminal antecedents.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:-

ORDER

- a) The Applicant - Swati Ramesh Ghule be released on bail in connection with C.R. No.712 of 2023 registered with the Phaltan Rural Police Station, Taluka - Phaltan, District - Satara on her furnishing P.R. Bond of Rs.25,000/- with one or two solvent 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 Phaltan Rural

Police Station, Taluka - Phaltan, District - Satara as and when required by 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 prosecution 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.

12. The Bail Application is disposed of accordingly.

13. 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.]