

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

BAIL APPLICATION NO. 1228 OF 2024

Nagina Samir Mujawar

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. P. G. Chavan i/b. Mr. S. S. Padaye, Advocates, for the Applicant.
Mr. P. P. Malshe, APP, for the Respondent – State.
Mr. Waghmode, API, Mangalwedha Police Station, Solapur(Rural),
present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 04.04.2024

P. C.

1. Heard Mr. Chavan, learned Counsel for the Applicant and Mr. Malshe, 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.	99 of 2024
2.	Date of registration of F.I.R.	09.02.2024
3.	Name of Police Station	Mangalwedha, Solapur (Rural)
4.	Section/s invoked	143, 147, 148, 149, 353, 332, 333, 323, 324, & 504 of the I.P.C., 1860; 135 of the Bombay Police Act, 1951;
5.	Date of incident	09.02.2024
6.	Date of arrest	09.02.2024

3. At the outset, Mr. Malshe, learned APP for the Respondent-

State states that Charge-sheet is not yet filed and therefore, the Bail Application be not entertained, as the investigation is not yet completed.

4. However, Mr. Chavan, learned counsel for the Applicant states that the Applicant is a woman aged 34 years. She is having three minor daughters aged 12, 8 and 5. He submitted that there are in all eight Accused persons, out of which seven Accused are members of one family and all the adult members of the family are incarcerated. Therefore, he states that the Applicant be released on bail.

5. On the other hand, Mr. Malshe, learned APP for the Respondent-State vehemently opposed the Bail Application. He submitted that although the Applicant is a woman, the Applicant has actively participated in the alleged incident in question and that she has assaulted the Police officer with a sugarcane stick.

6. Mr. Chavan, learned Counsel for the Applicant submitted that the incident in question has taken place on 09.02.2024. The Applicant is incarcerated since 09.02.2024 and that the Applicant is the mother of three minor children aged 12, 8 and 5.

7. Although there is substance in the contention raised by Mr. Malshe, learned APP for the Respondent-State that the Applicant has actively participated in the offence in question, however, it is to be noted that all the adult members of the family of the Applicant are incarcerated. The Applicant is a 34 years old woman. She is the mother of three minor children aged 12, 8 and 5.

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

ORDER

(a) The Applicant - Nagina Samir Mujawar be released on bail in connection with C. R. No.99 of 2024 registered with the Mangalwedha Police Station, Solapur (Rural) on her furnishing P. R. Bond of Rs.10,000/- 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 Mangalwedha Police Station, Solapur (Rural) as and when called for 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 witness in any manner.

(f) 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.]