



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

BAIL APPLICATION NO.1346 OF 2024

Sangita Pandurang Sawant ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Yash Fadtare i/b. Mr. Jaydeep D. Mane, for the Applicant.

Ms. Savita Yadav, APP, for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : APRIL 04, 2024**

P.C.:

1. Heard Mr. Fadtare, 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.	369 of 2023
2	Date of registration of F.I.R.	15/11/2023
3	Name of Police Station	Natepute, District-Solapur
4	Section/s invoked	302, 201, 176, 182 r/w 34 of the <i>I.P.C., 1860</i>
5	Date of incident	13/11/2023
6	Date of arrest	16/11/2023
7	Date of filing Charge-sheet	04/02/2024

3. The Applicant is the Accused No.2. Accused No.1 and Accused No.3 are the Applicant's son and daughter, respectively.

4. As per the prosecution case, all the Accused murdered the deceased who was father of the Accused No.1 and Accused No.3 and husband of Accused No.2 and they made an attempt to portray the cause of death as the result of an accident.

5. Mr. Fadtare, learned Counsel for the Applicant submitted that the prosecution case shows that the deceased was a habitual alcoholic and that he used to mercilessly assault the Applicant. He submitted that on the day of the incident in question i.e. 13th November 2023, the deceased, under the influence of alcohol was assaulting the Applicant and the Applicant assaulted the deceased in self-defence and the deceased succumbed to the resultant injuries. He submitted that the incident in question occurred on the spur of the moment and there was no premeditation. He submitted that the Applicant is a woman aged 44 years. She is incarcerated since about 5 months. He submitted that there are no antecedents against the Applicant and therefore the Bail Application be granted.

6. On the other hand, Ms. Yadav, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that the major role is attributed to the Applicant in the offence in question. She pointed out the cell phone messages between the Accused No.1 and the Accused No.3. She submitted that all the Accused committed murder of the deceased with premeditation. She submitted that there is recovery

of a weapon at the instance of the Applicant. She submitted that all the Accused after committing the crime committed destruction of evidence.

7. Perusal of the record shows that the incident in question took place on 13th November 2023. The Applicant was arrested on 16th November 2023 and the Charge-sheet has been filed on 4th February 2024. Thus, investigation is completed. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. *Prima facie*, there is substance in the contention advanced by learned Counsel for the Applicant that the incident in question occurred on the spur of the moment.

9. The Applicant is a woman aged 44 years.

10. The Applicant does not have any criminal antecedents.

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

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

13. In view thereof, the following order:-

ORDER

- (a) The Applicant-Sangita Pandurang Sawant be released on bail in connection with C.R. No.369 of 2023 registered with the Natepute Police Station, District-Solapur on her furnishing PR. Bond of Rs.15,000/- 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 Natepute Police Station, District-Solapur as and when called, 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 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.

14. The Bail Application is disposed of accordingly.

15. 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.]