

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

BAIL APPLICATION NO.1533 OF 2024

Komal Anil Dhanve

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep U. Nikam a/w Om N. Latpate, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : APRIL 18, 2024

P.C.:

- 1.** At the outset, Mr. Nikam, learned Counsel for the Applicant seeks leave to amend the prayer clause. Leave granted. Amendment be carried out forthwith.
- 2.** Heard Mr. Nikam, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent-State.
- 3.** 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.	270 of 2023
2	Date of registration of F.I.R.	11/04/2023
3	Name of Police Station	Barshi City, District-Solapur
4	Section/s invoked	302 & 201 of the <i>I.P.C., 1860</i>
5	Date of incident	08/04/2023
6	Date of arrest	14/04/2023
7	Date of filing Charge-sheet	31/05/2023

4. The deceased was the mother-in-law of the Applicant. As per the prosecution case, the Applicant assaulted the deceased with a pair of tongs on her head and strangled her neck. There was dispute between both of them as the deceased was under the impression that the Applicant had stolen her gold ornaments.

5. Mr. Nikam, learned Counsel for the Applicant submitted that the entire prosecution case is based on circumstantial evidence. There is no eye witness to the incident in question. He submitted that in fact the Applicant had informed her husband about the said incident and had also requested to immediately take the deceased to a hospital. He submitted that there was no motive and intention to kill the deceased. He submitted that there is no recovery at the instance of the Applicant. The Applicant has two children; a daughter aged 2 years and a son born on 25th August 2023. He submitted that the Applicant's son is aged 7 months and is suffering from a lung disease, for which the doctor has advised regular check-up.

6. On the other hand, Ms. Shinde, learned APP strongly opposed the Bail Application. She submitted that there is incriminating material against the Applicant.

7. Perusal of the record shows that the incident in question took place on 8th April 2023. F.I.R. was lodged on 11th April 2023. The

Applicant was arrested on 14th April 2023. As the Applicant was pregnant, she was released on temporary bail on 5th July 2023. She gave birth to child on 25th August 2023 and surrendered on 1st January 2024, after the expiry of period of temporary bail, which was granted upto the end of December 2023. In this case, investigation has been completed and the Charge-sheet has been filed on 31st May 2023. The Applicant was released on temporary bail from 5th July 2023 and she surrendered on 1st January 2024. There is nothing on record to show that she has violated any of the bail conditions during release on the temporary bail.

- 8.** The Applicant is a woman aged 22 years. She has two children; a daughter aged 2 years and a son aged 7 months.
- 9.** The Applicant does not have any criminal antecedents.
- 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-Komal Anil Dhanve be released on bail in connection with C.R. No.270 of 2023 registered with the Barshi City Police Station, District-Solapur on her furnishing PR. Bond of Rs.5,000/- 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 Barshi City 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.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations recorded in this Order.

[MADHAV J. JAMDAR, J.]