

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1182 OF 2024

Neeta Madan Kadam ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.1934 OF 2024
IN
BAIL APPLICATION NO.1182 OF 2024

Prakash Laxman Jadhav ...Applicant

IN THE MATTER BETWEEN

Neeta Madan Kadam ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Ashok P. Mundargi, Senior Advocate a/w Mr. Rupesh R. Lanjekar i/b
Mr. Sameer P. Nangare, Advocates for the Applicant.

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

Mr. Satyavrat Joshi (Through VC) i/b Mr. Samay Pawar, Advocates for
the Intervenor in IA/1934/2024.

A.P.I. S. A. Kamat, Patan Police Station, District - Satara, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 08 JULY 2024

P.C.:

1. Heard Mr. Mundargi, learned Senior Counsel appearing for the
Applicant and Ms. Yadav, 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.	61 of 2023
2	Date of registration of F.I.R.	20/03/2023
3	Name of Police Station	Patan, District-Satara
4	Section/s invoked	302, 307, 109, 114, 323, 504, 506 r/w 34 of the <i>I.P.C., 1860</i> and 3, 25, 27 of the <i>Arms Act, 1959</i> .
5	Date of incident	19/03/2023
6	Date of arrest	20/03/2023
7	Date of filing Charge-sheet	04/07/2023

3. As per the prosecution case, there was some quarrel about 5 to 6 days ago between Sakharam Jadhav and Madan Narayan Kadam. In the said quarrel, the Accused No.3 and Accused No.4 were also involved and they assaulted the Complainant's cousin, Sakharam Jadhav by fist blows and therefore N.C. No.100 of 2023 was registered on 15th March 2023. The present incident occurred on 19th March 2023. As per the F.I.R., the Complainant and his elder brother Shrirang Laxman Jadhav, Satish Balu Sawant along with two-three persons came to the residence of Madan Narayan Kadam i.e. Accused No.1. The Accused No.2 (Applicant) is the wife of Accused No.1 and, Accused Nos.3 and 4 are sons of said Madan Kadam. The Complainant and others went to the residence of Madan Kadam to confront him about the earlier quarrel

regarding which the N.C. No.100 of 2023 is filed. At that time, some altercations took place between these two groups. Said Madan Kadam-Accused No.1 brandished a gun and fired and in the said incident, Shrirang Laxman Jadhav and Satish Balu Jadhav were killed and one Prakash Laxman Jadhav was injured.

4. It is the submission of Mr. Mundargi, learned Senior Counsel appearing for the Applicant that the main role is that of Accused No.1. He submitted that the allegations against the present Applicant is that she brought the gun from house and handed over the same to the Accused No.1. He submitted that the Applicant is a woman aged 51 years.

5. On the other hand, Ms. Yadav, learned APP and Mr. Joshi, learned Counsel for the Informant i.e. Original Informant strongly opposed the Bail Application. Both of them submitted that the Applicant was present at the spot and in fact she has brought the gun from inside and handed over the same to the Accused No.1. Both of them submitted that the Applicant has played a major role in the offence.

6. Although *prima facie* there is substance in the contention raised by Ms. Yadav, learned APP and Mr. Joshi, learned Counsel that the Applicant played significant role in the incident in question, however, perusal of the F.I.R. and the statements annexed to the Charge-sheet clearly shows that the main role is that of the Accused No.1 who has

actually fired from the gun. The Applicant is a woman aged 51 years.

7. In any case, the incident in question has taken place on 19th March 2023. The F.I.R. is registered on 20th March 2023. The Applicant was arrested on 20th March 2023. It is an admitted position that the investigation has been completed and the Charge-sheet has been filed on 4th July 2023. As per the Charge-sheet, there are a total of 52 witnesses. Till date even the charge is also not framed. The trial is likely to take a considerably long time.

8. Mr. Mundargi, learned Senior Counsel appearing for the Applicant states that as several witnesses are from District-Satara, the Applicant will therefore not enter District-Satara and that the Applicant will reside at Pune.

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 - Neeta Madan Kadam be released on bail in connection with C.R. No.61 of 2023 registered with the Patan Police Station, District-Satara on her furnishing P. R. Bond of Rs.25000/- with one or two solvent sureties in the like

amount.

- (b) The Applicant shall not enter the Satara District after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) 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.
- (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.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.

14. In view of disposal of the Bail Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]