

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

BAIL APPLICATION NO. 3822 OF 2023

Chhaya Namdev Bhoite

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Satyavrat Joshi i/b. Ms. Kanishka Hasabnis, Advocates, for
the Applicant

Mr. P. H. Gaikwad, APP, for the Respondent – State

CORAM : MADHAV J. JAMDAR, J.

DATE : 15.01.2024

P. C.

1. Heard Mr. Joshi, learned Counsel appearing for the
Applicant and Mr. Gaikwad, learned APP appearing for
Respondent – State.

2. This is an Application filed under Section 439 of the
Code of Criminal Procedure, 1973 for regular bail. The relevant
details are as under:-

1	C. R. NO.	107 of 2023
2	Date of Registration of F.I.R.	18.04.2023
3	Police Station	Wathar Police Station, Satara
4	Sections Applied	302, 341, 504, 506, 120B r/w. 34 of the Indian Penal Code, 1860 3 & 25 of the Arms Act, 1959
5	Date of Incident	17.04.2023
6	Date of Arrest	18.04.2023
7	Date of filing of Charge-sheet	14.07.2023

3. The prosecution case is as under :-

(i) Mr. Namdeo, Mr. Mohan and Mr. Sunil (deceased) are siblings. The Applicant was the first wife of the said Namdeo. Namdeo and the Applicant is residing separately since the year 1989.

(ii) The Applicant has two daughters - Reshma and Sushma. Reshma and Sushma married to two brothers namely Ravi (Accused No. 1) and Sandeep (Accused No.2).

(iii) A certain piece of land was allotted to the Applicant's share which was her father's ancestral property. Sushma has filed R. C. S. No. 52 of 2021 against Namdeo, Mohan and Sunil regarding right in the said land. R. C. S. No. 239 of 2022 has been filed by Namdeo against the present Applicant. The contention of the present Applicant and her daughters was that the lands in question are the ancestral property of the Applicant, whereas it is the contention of said Namdeo, Mohan and Sunil that certain land pieces out of the said ancestral property of the Applicant has been purchased by them.

(iv) The Applicant is the Accused No. 4. The Applicant's two son-in-laws i. e. Ravi and Sandeep are Accused Nos. 1 and 2 and one Umesh Bhoite is the accused No. 3 to whom the said

lands are proposed to be sold by the Applicant and her two daughters. As per the prosecution case, there is a conspiracy on part of the accused and as per the said conspiracy with a common intention, the accused Nos. 1 & 2 committed murder of the deceased by using pistol.

4. Mr. Gaikwad, learned APP appearing for the Respondent - State vehemently opposes this Bail Application on the ground that the Applicant is the main accused. On the basis of various statements recorded during investigation, it is his contention that she is the main conspirator. He also submitted that the deceased Sunil has filed N. C. against the present Applicant.

5. Charge-sheet is filed on 14.07.2023. As per the Charge-sheet, there are about 34 witnesses to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The present Applicant does not have any criminal antecedents.

6. As far as the Applicant - Accused No. 4 is concerned, admittedly, she has not participated in the actual incident in

which Sunil has been killed. As per the prosecution case, Accused Nos. 1 & 2 who are son-in-laws of the Applicant have actually killed the deceased Sunil by using pistol.

7. Mr. Joshi, learned counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, therefore, the Applicant will reside outside District Satara and will reside at the residence of Mr. Balwant Ganpati Yadav, Sinhgad, Room No. 37, Krishna Housing Society, Sector - 27/A, Pradhikaran Nigdi, Pune - 411 044.

8. The Applicant does not appear to be a flight risk.

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

O R D E R

(i) The Applicant - Ms. Chhaya Namdev Bhoite in connection with C. R. No. 107 of 2023 registered with the Wathar Police Station, Satara shall be released on bail on her furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;

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

- (iii) On being released on bail, the Applicant shall furnish her cell phone number and residential address to the Investigating Officer and shall keep her updated, in case there is any change;
- (iv) The Applicant shall report to the Nigdi Police Station, Pune, once every week, on every Sunday between 11.00 a. m. and 1.00 p. m. till the conclusion of trial. The Police Inspector of Nigdi Police Station, Pune to communicate details thereof to the Investigating Officer;
- (v) 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 him/her from disclosing the facts to Court or any Police Officer;
- (vi) The Applicant shall not tamper with evidence;
- (vii) The Applicant shall regularly attend the trial;
- (viii) The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments;
- (ix) The Applicant shall surrender her passport, if any, to the Investigating Officer.

10. The Application is disposed of.

(MADHAV J. JAMDAR, J.)