

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

CRIMINAL BAIL APPLICATION NO.525 OF 2024

Pranali Sunil Kadam

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vishal D. Khetre, Advocate for the Applicant.

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

P.S.I. Rohihni Doke, Tulinj Police Station, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 8th February 2024

P. C.

1. Heard Mr. Khetre, learned Counsel appearing for the Applicant and Ms. Shinde, 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.	948 of 2019
2.	Date of registration of F.I.R.	21 st August 2019
3.	Name of Police Station	Tulinj Police Station, District-Palghar
4.	Section/s invoked	302, 201 of <i>Indian Penal Code, 1860</i> .
5.	Date of incident	21 st August 2019
6.	Date of arrest	21 st August 2019
7.	Date of filing Charge-sheet	10 th February 2020

3. Mr. Khetre, learned Counsel appearing for the Applicant submitted that the alleged incident occurred on 21st August 2019 and the F.I.R. has been lodged immediately on 21st August 2019. He stated that even after almost about 4 years and 6 months having elapsed thereafter, there is no progress in the trial and even the Charge is also not yet framed. He submitted that there is no clear motive for committing the offence in question and that the cause of death is also not certain. He therefore prayed for allowing the Bail Application.

4. On the other hand, Ms. Shinde, learned APP strongly opposed the Bail Application. She pointed out the statement of Siddhiki Kadam i.e. daughter of the Applicant (Page No.69 of Bail Application) and also the statement of Jyoti Nikhil Kurale i.e. sister of the deceased (Page No.70 of Bail Application). She also pointed out the F.I.R. and the statement of Ananda Chimaji Kadam i.e. father of the deceased. She submitted that all these statements show the existence of incriminating material against the Applicant. She also pointed out the opinion as to the cause of death as recorded in the Post-Mortem Examination Report which is stated as "*Death due to hemorrhagic shock due to injury to vital organs*" (Page No.112 of Bail Application). Thus, she submitted that there exists incriminating evidence against the present Applicant and therefore bail be not granted.

5. Perusal of the record shows that the incident in question occurred on 21st August 2019 and date of arrest of the present Applicant is 21st August 2019. The Charge-sheet has been filed on 10th February 2020. In spite of this position, there is no progress in the trial and that even four and a half years since arrest of the Applicant, the Charge is also not yet framed. As per the list annexed to the Charge-sheet, there are total 27 witnesses proposed to be examined by the prosecution. Therefore, it is likely that the trial will take a considerably long time.

6. This is a case of circumstantial evidence. There is some substance in the submissions advanced by Ms. Shinde, learned APP that there is certain incriminating material against the present Applicant. However, it is to be noted that the Applicant is a woman and it is stated in the Bail Application itself that she is an indigent woman and this Bail Application has been filed through legal aid provided by an N.G.O. named "*Dard se Hum Dard Tak*" which provides free legal aid services to under trial prisoners. It is significant to note that this is the first Bail Application, although the Applicant has been arrested on 21st August 2019.

7. The motive of the offence in question is that the Applicant was reluctant to have a second child and due to the insistence of the deceased i.e. husband of the Applicant, the Applicant conceived for a second time and gave birth to a girl and that is alleged to be the

motive of committing the offence in question. There is substance in the contention of the learned Counsel appearing for the Applicant that there is no clear motive and the motive alleged is not concerned with the crime.

8. Mr. Khetre, learned Counsel appearing for the Applicant states that the said N.G.O. will also provide necessary help regarding psychological health of the Applicant.

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

10. The Applicant does not have any criminal antecedents.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant-Pranali Sunil Kadam, in connection with C.R. No.948 of 2019 registered with the Tulinj Police Station, District Palghar shall be released on bail on furnishing P.R. bond in the sum of Rs.5,000/- with one or more sureties in the like amount.

(b) The Applicant is permitted to furnish cash bail surety in the sum of Rs.5,000/- for a period of three months in lieu of surety.

(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 report to the Tulinj Police Station, District-Palghar on Sunday of every week for three months and thereafter

once in fifteen days for three months on 1st and 3rd Sunday of the month and thereafter once in a month on every first Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(e) 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.

(f) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) 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 own merits and uninfluenced by the observations made in this Order.

BHALCHANDRA
GOPAL
DUSANE

[MADHAV J. JAMDAR, J.]

Digitally signed by
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