

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

CRIMINAL BAIL APPLICATION NO.526 OF 2024

Salma Amir *alias* Mohd. Hanif **Alase**

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Pratik G. Tare, a/w Mr. Sachin Y. Mane Advocates, for the Applicant.
Ms. S.S. Kaushik, APP, for Respondent- State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 21st March 2024

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1. Heard Mr. Tare, learned Counsel for the Applicant and Ms. Kaushik, 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.	481 of 2023
2.	Date of registration of F.I.R.	10 th August 2023
3.	Name of Police Station	Shivajinagar, District-Kolhapur
4.	Section/s invoked	302 r/w. 34 of <i>I.P.C., 1860</i> ;
5.	Date of incident	9 th August 2023
6.	Date of arrest	11 th August 2023
7.	Date of filing Charge-sheet	7 th November 2023

3. As per the prosecution case the incident took place in the School where the children of the Applicant and the deceased were studying. It

appears that there was some altercations took place between the children of the Applicant and the deceased and therefore the incident took place in the verandah of the School, in which the Applicant assaulted the deceased and died due to asphyxia due to throttling.

4. Mr. Tare, learned Counsel for the Applicant submitted that the incident in question took place on the spur of the moment and there is no intention to commit the crime. He submitted that suddenly fight took place between the parents i.e. the Applicant and the deceased. He submitted that the Applicant's role is assault with fists and blows.

5. On the other hand, Ms. Kaushik, learned APP vehemently opposed the Bail Application. She submitted that the Applicant has assaulted the deceased mercilessly.

6. Perusal of the record shows that the investigation is complete and the Charge-sheet is filed. Prima facie, there is substance in the contention raised by Mr. Tare, learned Counsel for the Applicant that the incident in question took place on the spur of the moment and there was no intention to commit the crime.

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

8. The Applicant does not have any criminal antecedents.

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

10. In view thereof, the following order:-

ORDER

(a) The Applicant - Salma Amir *alias* Mohd. Hanif **Alase** be released on bail in connection with C. R. No.481 of 2023 registered with the Shivajinagar Police Station, District - Kolhapur on her furnishing P R. Bond of Rs.10,000/- 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 Shivajinagar Police Station, District - Kolhapur as and when called by Police.

(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 prosecution 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.

11. The Bail Application is disposed of accordingly.

12. 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.]

Note: This order is modified as per Speaking to the Minutes Order dated 2nd April 2024.
The Corrections are shown in bold in cause title, Paragraph No.2 and, clause (a) of Paragraph No.10.