



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.681 OF 2024

Sunita Dadaji Gavli ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Chetan H. Deshmukh, Advocate, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent-State.
Mr. J. R. There, Police Constable, Indira Nagar Police Station,
Nashik City present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 21st MARCH 2024

PC:-

- 1. Heard Mr. Deshmukh, learned Counsel for the Applicant and Ms. Shinde, 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.	174 of 2023
2.	Date of registration of F.I.R.	10/07/2023
3.	Name of Police Station	Indira Nagar Police Station, Nashik
4.	Section/s invoked	302 r/w. 34 of the I.P.C., 1860

5.	Date of incident	10/07/2023
6.	Date of arrest	10/07/2023
7.	Date of filing of Charge-sheet	06/09/2023

3. The Applicant i.e. Accused No.1 is wife of the deceased. The Accused No.2 is the son of the Applicant and the deceased.

4. As per the prosecution case, the deceased was in a relationship outside of marriage with the wife of Accused No.1's brother and, therefore, the relations between the deceased and the Accused No.1 were not cordial. Apart from that the deceased was also not providing financial support to the Accused No.1, Accused No.2 and the daughter of the Accused No.1. As per the prosecution case, the Accused No.1 has assaulted the deceased with an iron pestle.

5. Mr. Deshmukh, learned Counsel for the Applicant submitted that the case is of circumstantial evidence, the investigation is complete and Charge-sheet is filed. The Applicant is lady of 39 years old and there are no criminal antecedents against the Applicant.

6. On the other hand, Ms. Shinde, learned APP strongly opposed the Bail Application. She pointed out the statement of the daughter of the Accused No.1 i.e. Nisha Dadaji Gavli recorded under Section 164 of the Code of Criminal Procedure, 1973 [Pages 49-51]. She submitted that an iron pestle with which the offence is committed is found at the spot.

7. A perusal of the record shows that this is a case of circumstantial evidence. The investigation is complete and Charge-sheet is filed. The Applicant is a lady and a house-maker.

8. The incident in question has occurred on 10th July 2023. The F.I.R. has been lodged on 10th July 2023. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 6th September 2023. There are 36 witnesses as per the Charge-sheet. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

9. There are no criminal antecedents against the present Applicant.

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 – Sunita Dadaji Gavli be released on bail in connection with C.R. No174 of 2023 registered with the Indira Nagar Police Station, District - Nashik on her furnishing P.R. Bond of Rs.15,000/- 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 Indira Nagar Police Station, District – Nashik as and when called by the Investigating Officer.
- (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 observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]