

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

BAIL APPLICATION NO.701 OF 2024

Sarika Bapu Sonawane

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Satyajeet P. Dighe, Advocate, for the Applicant.

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

Mr. Purushottam Shirsath, A.P.I., Jaikheda Police Station, Nasik (Rural), present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 26.02.2024

P. C.

1. Heard Mr. Dighe, learned Counsel appearing for the Applicant and Mr. Gaikwad, 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.	525 of 2023
2.	Date of registration of F.I.R.	24.11.2023
3.	Name of Police Station	Jaikheda Police Station, Taluka – Baglan, District - Nashik
4.	Sections invoked	406 & 420 of the I.P.C., 1860; 3 & 4 of the M.P.I.D. Act, 2000.
5.	Date of incident	01.01.2018 to 24.11.2023

6.	Date of arrest	05.12.2023
7.	Date of filing of Charge-sheet	01.02.2024.

3. It is the contention of Mr. Dighe, learned Counsel appearing for the Applicant that although the F.I.R. was lodged in the year 2023, the F.I.R. itself shows that the allegations are with respect to the incident which have taken place in the years 2018 and 2019. He submitted that on the basis of the same allegations also, on 09.09.2019, one Mr. Mayur Prakash Alai has lodged an F.I.R., however, in the said F.I.R., no allegations are made against the present Applicant. In the said F.I.R., being F.I.R. No.156 of 2019 dated 09.09.2019 registered with the Jaikheda Police Station, Taluka - Satana, District - Nashik (Rural), the Applicant is not arrayed as accused. He further submitted that the Applicant is innocent and that she has no role. The F.I.R. has been lodged at the instance of the Trust - Akhil Bhartiya Shree Swami Samarth Gurupeeth, Trimbakeshwar, Nashik. He submitted that the first informant - Mr. Subhash Ananda Ahire is closely related to the said Trust and that is reflected in paragraph no.3 of the F.I.R. dated 24.11.2023.

4. Mr. Gaikwad, learned APP appearing for the Respondent - State pointed out page No.242 of the Application which is an Affidavit of the informant - Mr. Subhash Ananda Ahire, wherein

he has stated that the F.I.R. has been lodged due to a misunderstanding. Mr. Gaikwad, learned APP submitted that in view of the said Affidavit filed by Mr. Subhash Ahire – informant, an appropriate order may be passed.

5. *Prima facie*, there is substance in the contention raised by Mr. Dighe, learned Counsel appearing for the Applicant that the transactions which are the subject matter of the F.I.R. have taken place in the year 2018-19 and on the basis of the same, F.I.R. bearing No.156 of 2019 has been registered on 09.09.2019. Pursuant to the said F.I.R., investigation is complete and Charge-sheet has been filed in the year 2019. In the said FIR and the investigation papers, name of the present Applicant is not appearing. Thereafter, by making same allegations, the present F.I.R. has been lodged on 24.11.2023 by showing role of the present Applicant.

6. *Prima facie*, F.I.R. has been registered for some *mala fide* purpose. In fact, the informant has filed an Affidavit in the trial Court on 01.02.2024 stating therein that the said F.I.R. has been registered due to some misunderstanding. The informant is personally present in Court and reiterates the same. Therefore, the Applicant is entitled to be released on bail.

7. The trial is likely to take a considerably long time.

8. The Applicant does not have any criminal antecedents.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Sarika Bapu Sonawane be released on bail in connection with C. R. No. 525 of 2023 registered with the Jaikheda Police Station, Taluka - Baglan, District - Nashik on her furnishing P. R. Bond of Rs. 25,000/- with one or two solvent 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 Jaikheda Police Station, Taluka - Baglan, District - Nashik on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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.

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 own merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]