

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.752 OF 2024**

Mrs. Sheetal Navnath Jadhav ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Rahul Kadu, for the Applicant.

Ms. Savita Yadav, APP, for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : FEBRUARY 26, 2024**

P.C.:

1. Heard Mr. Kadu, learned Counsel appearing for the Applicant and Ms. Yadav, 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.	584 of 2023
2	Date of registration of F.I.R.	03/10/2023
3	Name of Police Station	Mahalunge MIDC Police Station
4	Section/s invoked	302, 143, 147 & 149 of the <i>Indian Penal Code, 1860</i>
5	Date of incident	03/10/2023
6	Date of arrest	04/10/2023
7	Date of filing Charge-sheet	Charge-sheet is filed.

3. The Accused No.1-Seema Ganesh Gargote is the sister of the present Applicant. The Accused Nos.3, 4 and 5 are the brothers of Accused No.1. The deceased is the husband of Accused No.1.

4. As per the prosecution case, the deceased was a habitual alcoholic and used to harass and assault the Accused No.1-Seema Ganesh Gargote and therefore all the Accused have assaulted the deceased and the deceased ultimately succumbed to the resultant injuries.

5. Mr. Kadu, learned Counsel appearing for the Applicant submitted that the case is of circumstantial evidence and even as per the prosecution case as the deceased was a habitual alcoholic and used to harass and assault the Accused No.1-Seema Ganesh Gargote therefore all the Accused assaulted the deceased. He submitted that there is no recovery of any weapon at the instance of any of the Accused. He submitted that the Applicant is the Accused No.2 and sister of Accused No.1 who was harassed and assaulted by the deceased for several years. He submitted that there are no antecedents against the present Applicant. The Applicant is a homemaker aged 34 years and that she has two minor children. He therefore submitted that the Applicant is entitled to be released on bail.

6. On the other hand, Ms. Yadav, learned APP strongly opposed the Bail Application. She pointed out the F.I.R. as well as

the statement of witness-Amrut Ramrao Bajare and statement of Soham Ganesh Gargote. She submitted that all the Accused brought the deceased in an injured condition at the house of the deceased and the deceased succumbed to his injuries in the hospital on the next day. She submitted that there is evidence of C.C.T.V.. She submitted that therefore the Bail Application be rejected.

7. Perusal of the record shows that the case is of circumstantial evidence. The exact role of the present Applicant cannot be seen in the papers which are annexed to the Charge-sheet. The Applicant is a woman, aged 34 years and she has two children. The Applicant was arrested on 4th October 2023. The Charge-sheet is already filed and investigation is completed. As per the Charge-sheet there are about 15 witnesses proposed to be examined by the prosecution. Therefore, the trial will take a considerable 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-Mrs. Sheetal Navnath Jadhav be released on bail in connection with C. R. No.584 of 2023

registered with the Mahalunge MIDC Police Station, District-Pune on her furnishing P.R. Bond of Rs.10,000/- with 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 Mahalunge MIDC Police Station, District- Pune as and when called by the Investigating Officer 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 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.

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 and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]