

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

BAIL APPLICATION NO.1131 OF 2024

Ms. Kiran Vanesh Pardeshi .Applicant

Versus

The State of Maharashtra .Respondent

Mr. Kunal Pednekar a/w. Mr. Divesh Mehani i/b. Mr. Aniket Vagal,
Advocates, for the Applicant.

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

Mr. Suyash Nitin Khose, Advocate, for the Intervenor/Complainant.

CORAM: MADHAV J. JAMDAR, J.

DATE: 18.03.2024

P. C.

1. Heard Mr. Pednekar, learned Counsel for the Applicant, Ms. Yadav, learned APP for the Respondent-State and Mr. Khose, learned counsel appearing for the Intervenor.

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.	301 of 2023
2.	Date of registration of F.I.R.	08.07.2023
3.	Name of Police Station	Jejuri, District – Pune
4.	Section/s invoked	302, 307, 324, 143, 147, 148, 149, 504 and 506 of the I.P.C., 1860
5.	Date of incident	07.07.2023
6.	Date of arrest	08.07.2023
7.	Date of filing of Charge-sheet	08.10.2023

3. As per the prosecution case, there is a land dispute going on

between the family of the deceased and of the Applicant. There are several cases filed against each other. In the incident in question, the Applicant had assaulted the deceased with two axes, a crow bar and a stone.

4. Mr. Pednekar, learned Counsel appearing for the Applicant submitted that the role which has been attributed to the present Applicant is that she had instigated other co-Accused and also pelted stones at the Complainant. He submitted that the death is due to multiple chop injuries. The Applicant is not responsible for the said injuries. He submitted that the Applicant is a woman aged 38 years and that she is in custody for more than nine months. No role is attributed to the Applicant insofar as the assault on the deceased is concerned. He submitted that there are no antecedents.

5. Ms. Yadav, learned APP appearing for the Respondent – State vehemently opposed the bail Application and submitted that there are eye witnesses to the incident. She submitted that in fact, the Applicant has instigated other accused to commit the crime and therefore, the bail Application be rejected.

6. Perusal of the record shows that the incident in question has taken place on 07.07.2023. The Applicant was apprehended on 08.07.2023 and Charge-sheet has been filed on 08.10.2023. As per the Charge-sheet, there are 30 witnesses proposed to be examined by the prosecution. Till date, there is no progress in the trial and even charge is also not framed. Accordingly, the trial is likely to take a

considerably long time.

7. The Applicant is a woman aged 38 years. The only role attributed to the Applicant is that she has instigated other co-Accused and pelted stones at the Complainant.

8. Mr. Pednekar, learned Counsel for the Applicant states that as several witnesses are residents of Jejuri, District – Pune, the Applicant will therefore not reside within District - Pune and that the Applicant will reside at 106, 1st floor, Sai Anant Avenue CHS, Sector 16E, Roadpali, Kalamboli, Navi Mumbai – 410 218 and will attend the Kalamboli Police Station, Kalamboli, Navi Mumbai.

9. The Applicant has no antecedents.

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 - Ms. Kiran Vanesh Pardeshi be released on bail in connection with C.R. No.301 of 2023 registered with the Jejuri Police Station, District – Pune on her furnishing P.R. Bond of Rs.25,000/- with one or two local sureties in the like amount.

(b) The Applicant shall not enter the District – Pune after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.

(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 Kalamboli Police Station, District – Raigad once in two months, on first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Kalamboli Police Station, District – Raigad to communicate details thereof to the Investigating Officer.

(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 prosecution evidence and shall not contact or influence the Complainant or any witness 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.

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, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]