

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

BAIL APPLICATION NO. 1372 OF 2024

Kavita Sagar Kumbhar

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Prashant S. Hagare, Advocate, for the Applicant.

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

Mr. S. D. Dalavi, P. C. B. No. 554, Baramati Taluka Police Station,
Pune (Rural), present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 08.04.2024

P. C.

1. Heard Mr. Hagare, learned Counsel for the Applicant and Mr. Gaikwad, 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.	776 of 2023
2. Date of registration of F.I.R.	10.10.2023
3. Name of Police Station	Baramati Taluka, Pune (Rural)
4. Sections invoked	302, 324 & 506 of the I.P.C., 1860
5. Date of incident	10.10.2023
6. Date of arrest	11.10.2023
7. Date of filing of Charge-sheet	10.01.2024

3. The Applicant is the wife of the deceased. As per the prosecution case, there used to be frequent quarrel between the

Applicant and the deceased. They are having two minor children aged 11 and 13 years and the children were residing with the grand-parents as the Applicant and the deceased used to quarrel frequently. As per the prosecution case, at about 10.15 p. m. on the date of the incident i.e. on 09.10.2023, a quarrel took place between the Applicant and the deceased and at about 5.30 a.m. on 10.10.2023, when the deceased was sleeping, the Applicant poured boiling water on him and therefore the deceased was severely injured. He succumbed to the injuries on 13.10.2023.

4. Mr. Hagare, learned Counsel for the Applicant submitted that the Applicant is a woman aged 27 years. He submitted that the incident occurred due to a quarrel between the husband and the wife. He submitted that investigation is complete. Therefore, the Applicant may be relased on bail. He submitted that there are no eye-witnesses. He submitted that in any case, the Applicant has also sustained injuries on her left cheek and left finger. He therefore prayed that the Applicant may be released on bail.

5. On the other hand, Mr. Gaikwad, learned APP vehemently opposed the bail Application. He submitted that although the case is of circumstantial evidence, there are strong circumstances. He submitted that the Applicant's two minor children are witnesses to the incident and they are residing with the grand-parents of the deceased. He therefore submitted that there is a likelihood of the Applicant pressurising the minor children. He pointed out the injuries

on the dead body and prayed that the Applicant may not be released on bail.

6. A perusal of the record shows that the incident in question has occurred on 10.10.2023. The Applicant was apprehended on 11.10.2023 and Charge-sheet was filed on 10.01.2024. Investigation is complete. The trial will take considerable time to conclude.

7. The Applicant is a young woman aged 27 years.

8. However, there is substance in the contention advanced by learned APP that there is a likelihood of the Applicant tampering with the witnesses i.e. her minor children. By imposing stringent conditions, the Applicant can be released on bail.

9. Mr. Hagare, learned Counsel for the Applicant submitted that as the two minor children of the Applicant, who are witnesses to the incident, are residing with their grand-parents at Parwadi, Taluka-Baramati, District-Pune, the Applicant will not enter Taluka-Baramati, District-Pune. The Applicant will reside at the residence of her father at Pande, Taluka-Karmala, District-Solapur and will attend the Karmala Police Station.

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 - Kavita Sagar Kumbhar be released

on bail in connection with C.R. No.776 of 2023 registered with the Baramati Taluka Police Station, District – Pune on her furnishing P.R. Bond of Rs.15,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the Taluka-Baramati, 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 Karmala Police Station, District-Solapur once a week, on Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Karmala Police Station, District-Solapur 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.]