

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

BAIL APPLICATION NO.1767 OF 2024

Pallavi Santosh Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Tapan Thatte i/b Mohammad S. Mulla, for the Applicant.

Mr. P. P. Deokar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 23rd APRIL 2024

P.C.:

1. Heard Mr. Thatte, learned Counsel for the Applicant and Mr. Deokar, 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.	917 of 2023
2	Date of registration of F.I.R.	30/07/2023
3	Name of Police Station	Yavat, District-Pune
4	Section/s invoked	302 of the <i>I.P.C., 1860</i>
5	Date of incident	22/07/2023
6	Date of arrest	31/07/2023
7	Date of filing Charge-sheet	October 2023

3. The Applicant is the wife of the deceased. As per the prosecution case, the deceased was a habitual alcoholic and used to consume liquor everyday and used to harass the Applicant and their two children aged

11 years and 9 years. The Applicant assaulted the deceased on 22nd July 2023 with a wooden stick. Although, the said assault took place on 22nd July 2023, apparently the injury was not serious and therefore the deceased was not hospitalised. However, it appears that there was an internal injury and the Post-Mortem Examination Report records that there was a Subdural hematoma present over the left temporal region in the form of dark red blood clots and therefore at about 08.00 p.m. on 29th July 2023, the deceased vomited blood. When the deceased was taken to the hospital, he was declared dead on arrival, even before admission.

4. It is the contention of Mr. Thatte, learned Counsel for the Applicant that there was no intention to kill the deceased. The Applicant had herself taken the deceased to the hospital. He submitted that the deceased died after about seven days of the assault and for seven days he was normal and staying at his residence. There are no antecedents against the Applicant. He submitted that two children aged 11 years and 9 years are entirely dependant on the Applicant.

5. On the other hand, Mr. Deokar, learned APP strongly opposed the Bail Application. He submitted that there are three eye-witnesses and the injury is on the vital part of the body and therefore the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took

place on 22th July 2023, F.I.R. was lodged on 30th July 2023 and the Applicant has been arrested on 31st July 2023. It is an admitted position that investigation has been completed and Charge-sheet has been filed in October 2023. As per the Charge-sheet, there are several witnesses proposed to be examined by the prosecution. Accordingly, the trial is likely to take a considerably long time to conclude.

7. The Applicant is a young woman aged 28 years.
8. The Applicant has two children aged 11 years and 9 years who are completely dependant on her.
9. The Applicant does not have any criminal 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-Pallavi Santosh Pawar be released on bail in connection with C.R. No.917 of 2023 registered with the Yavat Police Station, District-Pune on her furnishing P.R. Bond of Rs.10,000/- with one or two local sureties in the like amount.
- (b) The Applicant is permitted to furnish cash bail surety in the sum of Rs.10,000/- for a period of two months in lieu of surety.
- (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 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 Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]