

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1297 OF 2023

Vandana Popat Yewale

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Umesh H. Pawar, for the Applicant.

Ms. S. S. Kaushik, APP, for the Respondent-State.

Mr. Dnyaneshwar Arjun Tingare, Aundh Police Station, Satara,
present.

CORAM : MADHAV J. JAMDAR, J.

DATED : JANUARY 29, 2024

P.C.:

1. Heard Mr. Pawar, learned Counsel appearing for the Applicant and Ms. Kaushik, 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.	88 of 2022
2	Date of registration of F.I.R.	28/04/2022
3	Name of Police Station	Aundh Police Station Satara District
4	Section/s invoked	302, 324, 341, 143, 147, 148, 149 of the <i>I.P.C., 1860</i>
5	Date of incident	27/04/2022
6	Date of arrest	28/04/2022
7	Date of filing Charge-sheet	28/07/2022

3. The Informant is the mother of the deceased-Vishal. As per the prosecution case, close relatives of the Informant namely Popat Mohan Yewale and Manoj Mohan Yewale were residing near their house at Village-Vadi, Taluka-Khatav, District-Satara. The wife of deceased Vishal, namely Pratiksha was not cohabiting and she was residing at her matrimonial house. The said Popat and Manoj are maternal uncles of said Pratiksha. On account of said Pratiksha not cohabiting with Vishal, quarrels used to break out between these people.

4. On the date of the incident i.e. on 27th April 2022 at about 8:00 p.m., the Informant found that Vishal's vehicle was parked outside the house of one Atmaram Yewale and the quarrel was going on between Vishal and the Accused No.1-Popat Mohan Yewale, Accused No.2-Manoj Mohan Yewale, Accused No.3-Vandana Popat Yewale, Accused No.4-Vaishali Mohan Yewale and Accused No.5-Karan Popat Yewale. They were assaulting the deceased Vishal with stick, iron rod and knife. The role attributed to present Applicant i.e. Accused No.3-Vandana Popat Yewale is that she has assaulted the deceased by stabbing him with a knife in his chest.

5. Learned Counsel appearing for the Applicant states that there is no progress in the trial and even the charge is also not framed. Therefore, the trial will take a long time.

6. Learned Counsel appearing for the Applicant states that there are no antecedents.

7. Ms. Kaushik, learned APP strongly opposes the Bail Application. She submitted that the Applicant has played a major role in the offence and that she has assaulted the deceased with a knife in his chest which is a vital part of the body. She pointed out injury no.17 in the post-mortem examination report, caused by the knife and she submitted that the said injury was on a vital part of the body and, therefore, the Applicant is not entitled for bail.

8. It is true that the role attributed to the present Applicant is that she has assaulted the deceased with a knife on his chest. However, the post-mortem examination report shows that the cause of death is a head injury.

9. The Applicant is a women aged 40 years. She has been under incarceration since 28th April 2022 i.e. for about 21 months. There is no antecedent against the Applicant.

10. The Accused Nos.4 and 5 have already been released on bail by a learned Single Judge [Coram: S. M. Modak, J] by Order dated 12th December 2023.

11. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 28th July 2022. There are 24 witnesses as per the Charge-sheet. The trial is

likely to take a considerably long time. The Applicant does not have any criminal antecedents.

12. Mr. Pawar, learned Counsel appearing for the Applicant, on instructions, states that as the witnesses are from Taluka-Khatav, District-Satara, the Applicant will reside at C/o. Sandip Raghunath Jadhav, At Post Near Gaundhar, Aarvi, Taluka-Koregaon, District-Satara, 415 116 till the conclusion of the trial.

13. The Applicant does not appear to be at risk of flight.

14. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Vandana Popat Yewale be released on bail in connection with C. R. No.88 of 2022 registered with the Aundh Police Station, District-Satara on her furnishing P. R. Bond of Rs.25000/- with one or two sureties in the like amount.
- (b) The Applicant shall not enter the Khatav-Taluka, District-Satara 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 Rahimatpur Police Station, Taluka-Koregaon, District-Satara once in a month i.e., on first Sunday of every month between

11.00 a.m. and 1.00 till the conclusion of the trial. The Police Inspector of Rahimatpur Police Station, Taluka-Koregaon, District-Satara 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 evidence and shall not contact or influence the Complainant or any witnesses 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.

15. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]