

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

BAIL APPLICATION NO.2066 OF 2024

Bharati Ravindra Nagre

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Shubhangi Parulekar, for the Applicant.

Mr. S. M. Mangaonkar, APP, for the Respondent-State.

P.S.I. A. M. Shingare, Dighi Police Station, Pimpri-Chinchwad, District-Pune, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : MAY 09, 2024

P.C.:

1. Heard Ms. Parulekar, learned Counsel for the Applicant and Mr. Mangaonkar, 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.	679 of 2023
2	Date of registration of F.I.R.	21/12/2023
3	Name of Police Station	Dighi, District-Pune
4	Section/s invoked	302 of the <i>I.P.C., 1860</i>
5	Date of incident	17/12/2023
6	Date of arrest	25/12/2023
7	Date of filing Charge-sheet	13/03/2024

3. The Applicant is the wife of the deceased and they have a 9 years

old daughter from the said wedlock.

4. As per the prosecution case, the Applicant, due to a quarrel, assaulted the deceased and the deceased succumbed to the resultant injuries.

5. Ms. Parulekar, learned Counsel for the Applicant submitted that, face of the deceased was hit on the edge of a wooden sofa in a sudden quarrel between the Applicant and the deceased and therefore, the deceased sustained injuries on his face. She submitted that the Applicant has a 9 years old daughter. She submitted that the deceased was a habitual alcoholic. The incident took place on the spur of the moment. There was no intention or motive on the part of the Applicant to commit the crime. The Applicant is a woman aged 33 years and she is the mother of the 9 years daughter. The Applicant is incarcerated since last 5 months.

6. On the other hand, Mr. Mangaonkar, learned APP strongly opposed the Bail Application. He pointed out the statement of a neighbour, Chhaya Ashok Bambale (Page No.40) and submitted that there was no motive to commit the crime. She therefore submitted that the Bail Application be rejected.

7. Perusal of the record shows that the incident in question took place on 17th December 2024, F.I.R. was lodged on 21st December 2023 and the Applicant was arrested on 25th December 2023. It is an

admitted position that investigation has been completed and that the Charge-sheet was filed on 13th March 2024. As per the Charge-sheet, there are a total of 22 witnesses proposed to be examined by the prosecution. Thus, the trial will take a considerably long time to conclude.

8. The statements of witnesses clearly show that the deceased was a habitual alcoholic and therefore there used to be frequent fights between the Applicant and the deceased.

9. *Prima facie*, there is substance in the contention of learned Counsel for the Applicant that the incident in question had taken place on the spur of the moment. In any case, the Applicant is a woman aged 39 years and she is the mother of the 9 years old daughter.

10. The Applicant does not have any criminal antecedents.

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

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

13. In view thereof, the following order:-

ORDER

- (a) The Applicant - Bharati Ravindra Nagre be released on bail in connection with C.R. No.679 of 2023 registered with the Dighi Police Station, Pimpri-Chinchwad, 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 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 report to the Dighi Police Station, Pimpri-Chinchwad, District-Pune as and when called, until the conclusion of the trial.
- (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.

14. The Bail Application is disposed of accordingly.

15. 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.]