

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2375 OF 2023

Sonabai Anna Gaikwad	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Sahana Manjesh, Advocate for the Applicant.
Mr. Shriram Chaudhari, APP for the Respondent-State.
Mr. Mukesh Shivaji Mohare, P.S.I. attached to Bhosari Police Station, Pune present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 15th FEBRUARY 2024

PC:-

1. Heard Ms. Sahana Manjesh, learned Counsel appearing for the Applicant and Mr. Chaudhari, 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.	590 of 2020
2.	Date of Registration of F.I.R.	13/11/2020

3.	Name of Police Station	Bhosari Police Station, Pune
4.	Section/s invoked	302 r/w. 34 of the I.P.C., 1860
5.	Date of Incident	13/11/2020
6.	Date of Arrest	14/11/2020
7.	Date of filing of Charge-sheet	07/06/2021

3. As per the prosecution case, at about 4.00 p.m. on 13th November 2020 there was a minor scuffle between two children- Parshu i.e. son of the deceased-Raju and son of Nitin Anna Gaikwad namely Datta aged 5 years. Said Datta is grandson of the present Applicant. Therefore, the deceased started quarreling with the Applicant and her son and during the said quarrel, suddenly the Applicant's son assaulted the deceased with fist and kick blows and in the said incident, the deceased succumbed to the resultant injuries.

4. Ms. Sahana Manjesh, learned Counsel appearing for the Applicant submitted that the Applicant is beggar. The incident in question has occurred suddenly. The Applicant is a woman aged 55 years. The Applicant is behind bar for last about 3 years and 3 months and therefore she be released on bail.

5. On the other hand, Mr. Chaudhari, learned APP appearing for the Respondent-State strongly opposed the Bail Application. He submitted that there are eye-witnesses and the deceased has been mercilessly assaulted by the Applicant and her son and therefore Bail Application be rejected. However, on instructions he submitted that there are no criminal antecedents against the Applicant.

6. Perusal of record shows that the incident in question has occurred on 13th November 2020 and the F.I.R. has been lodged immediately on 13th November 2020. Although the Applicant was arrested on 14th November 2020 and Charge-sheet was filed on 7th June 2021, except for framing of the charge, there is no progress in the trial. As per the Charge-sheet there are total 13 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. The Applicant is a 55 years old destitute woman. The incident in question has occurred suddenly and in a spur of the moment.

8. There are no criminal antecedents against the present Applicant.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:-

ORDER

- (a) The Applicant-Sonabai Anna Gaikwad be released on bail in connection with C. R. No.590 of 2020 registered with the Bhosari Police Station, District-Pune on her furnishing P. R. Bond of Rs.5,000/- with one or two sureties in the like amount.
- (b) 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.

- (c) The Applicant shall report to the Bhosari Police Station, District-Pune on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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 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.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its own merits and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]