



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

CRIMINAL BAIL APPLICATION NO. 2486 OF 2023

Sunita Poonamchand Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ranjeet Patil i/b. Mr. Nikhil G. Hire, Advocates for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

Mr. Swapnil Sahebrao Randhe, Police Naik 655, Chandwad Police Station,
Nashik Rural present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 17th JANUARY 2024

P. C.

1. Heard Mr. Patil, learned Counsel appearing for the Applicant and Ms. Shinde, 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.	125 of 2023
2. Date of Registration of F.I.R.	19/03/2023
3. Name of Police Station	Chandwad Police Station, Taluka-Chandwad, District-Nashik.
4. Section/s & Act/s invoked	302 r/w 34 of the I.P.C., 1860

5.	Date of Incident	18/03/2023
6.	Date of Arrest	20/03/2023
7.	Date of filing Charge-sheet	12/06/2023

3. As per the prosecution case as reflected from the F.I.R. and statements recorded during the investigation show that the Applicant is the wife of deceased Poonamchand. Deceased Poonamchand was a habitual alcoholic owing to which there used to be frequent quarrels between the deceased and the Applicant. In the year 2009, the Applicant has lodged a complaint under Section 498-A of the *Indian Penal Code, 1860* against the deceased Poonamchand, his parents, his brother who is the Informant and the Informant's wife. The Applicant was thereafter residing at her maternal house. The incident in question occurred on 18th March 2023. About 2 months earlier, there was a settlement between the Applicant and the deceased and therefore, the Applicant along with her two sons came to the house of the deceased to cohabit. On 18th March 2023, on the occasion of the wedding of daughter of the Informant, a quarrel broke out between the Applicant and the deceased and two sons on the issue of attending the said wedding. The said wedding was attended only by the deceased Poonamchand. Thereafter, deceased Poonamchand

returned to his house inebriated. As per the prosecution case, he tried to assault the Applicant and two sons and a scuffle occurred and the Applicant and her two sons both of whom are 'children in conflict with law' assaulted the deceased with a wooden stick. The Charge-sheet is filed on 12th June 2023. Initially, the children were in an Observation Home and thereafter they have been released and are presently residing in the house of their maternal grandparents.

4. The incident in question has taken place due to scuffle between the deceased and the Applicant and two sons. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 12th June 2023. There are 20 witnesses as per the Charge-sheet. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The Applicant does not have any criminal antecedents.

5. The Applicant does not appear to be at flight risk.

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

ORDER

(a) The Applicant-Sunita Poonamchand Pawar be released on bail in connection with C.R. No.125 of 2023

registered with the Chandwad Police Station, Taluka-Chandwad, District-Nashik on her furnishing P. R. Bond of Rs.5,000/- with 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 there is any change.

(c) The Applicant shall report to the Chandwad Police Station, District-Nashik on first Sunday of every month between 11.00 a.m. and 1.00 p.m. till 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 witnesses 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.

7. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]