



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2700 OF 2023**

Subhavati Vijaylal Kewat
versus
State of Maharashtra

... Applicant
... Respondent

Mr. Devendra Shukla for Applicant.
Mrs. G.P.Mulekar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 19 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. By this application under Section 439 of the Code of Criminal Procedure, the applicant seeks to be enlarged on bail in connection with C.R.No.210 of 2022 registered with Shreenagar Police Station for the offences punishable under Section 302, 201 and 342 of the Indian Penal Code.
3. The gravamen of indictment against the applicant and co-accused Narayan, who is the son of the applicant, is that co-accused Narayan has entered into the room of Jijabai (deceased), the material aunt of the first informant, with intent to commit theft. While the accused No.1 was removing cash amount of Rs.105 from the money purse, the deceased raised alarm. Accused No.1 assaulted her by means of knife. After the deceased passed away, accused No.1 removed the ornaments from the person of the deceased. Thereafter, the accused No.1 locked the said room from

outside.

4. The accused No.1 had allegedly handed over ornaments of the deceased to the applicant and narrated her the incident. Yet the applicant had concealed the said fact and falsely represented to her younger son Hari that the said ornaments were belonging to the applicant and handed over the same to Hari.

5. Learned Counsel for the applicant submitted that the prosecution version would indicate that the applicant had no role in the alleged murder of the deceased. She is in custody since 8 September 2022. Hence, she deserves to be released on bail.

6. Learned APP contested the prayer for bail.

7. I find substance in the submissions of the learned Counsel for the Applicant. The applicant has not been attributed any role in the alleged offence of murder. The applicant had concealed the ornaments which the co-accused had allegedly delivered to her. It is further alleged that the applicant had falsely represented to her younger son that the ornaments belonged to her and handed over over to him. At best, the applicant can be roped in for the offence punishable under Section 201 of IPC.

8. The applicant is in custody since 8 September 2022. It is unlikely that the trial can be concluded in a near future. The applicant appears to have roots in society. Possibility of tampering with evidence and fleeing away from justice appears

to be remote. I am, thus, impelled to exercise the discretion in favour of the applicant.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Shubhavati Vijaylal Kewat be released on bail in C.R.No.210 of 2022 registered with Shreenagar Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant is allowed to furnish cash security of Rs.30,000/- in lieu of surety for a period of four weeks.

(iv) The applicant shall mark her presence before Shreenagar Police Station on first Monday of every month in between 11 am to 1 pm for a period of two years or till the conclusion of the trial, whichever is earlier.

(v) The applicant shall not tamper with the prosecution evidence. 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 him from disclosing the facts to Court or any police officer.

(vi) On being released on bail, the applicant shall furnish her contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)