



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2763 OF 2023

Tanuja Deepak Gautam
Versus
The State of Maharashtra

...Applicant
...Respondent

Mr. Shambhu M. Jha a/w. Mr. Jitendra Tiwari, Advocates, for the Applicant.
Ms. S. S. Kaushik, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 11th MARCH 2024

PC:-

1. Heard Mr. Jha, learned Counsel for the Applicant and Ms. Kaushik, 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.	150 of 2022
2.	Date of registration of F.I.R.	07/03/2022
3.	Name of Police Station	Tulinj Police Station, District-Palghar
4.	Section/s invoked	307, 326 of the I.P.C., 1860; 3, 25, 4, 27 of the Arms Act,

		1959.
5.	Date of incident	06/03/2022
6.	Date of arrest	14/03/2022
7.	Date of filing of Charge-sheet	15/06/2022

3. The prosecution case is that one Ms. Chanda who is the sister of Accused No.1-Deepak Laltaprasad Gautam, had eloped with and married the Informant – Hitendra *alias* Hiten Narendra Joshi. The Accused No.1 and his family were against the said marriage as the same was the third marriage of the Informant. It appears that on the date of the incident i.e. on 6th March 2022 at about 9.25 p.m., the Applicant i.e. the wife of Accused No.1 had called the Informant on WhatsApp and *inter alia* enquired about the whereabouts of the Informant. Thereafter, the Accused No.1 i.e. husband of the present Applicant, shot the Informant.

4. Mr. Jha, learned Counsel for the Applicant submitted that F.I.R. was lodged on 7th March 2022, the Applicant was arrested on 14th March 2022 and Charge-sheet was filed on 15th June 2022. He submitted that till date there is no further progress in the trial and even the charge is also not framed yet. He submitted that the Applicant is not the main assailant and therefore, the Applicant be

released on bail. He submitted that there are no criminal antecedents against the Applicant.

5. On the other hand, Ms. Kaushik, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that the Applicant has called the injured and got the details about the whereabouts of the injured and therefore, she has played a major role in the incident. She submitted that the Applicant will influence the prosecution witnesses as she is also residing in the same village. She therefore submitted that the Bail Application be rejected.

6. Perusal of the record shows that in the present case, the incident in question occurred on 6th March 2022, F.I.R. was lodged on 7th March 2022, the Applicant was arrested on 14th March 2022 and, Charge-sheet was filed on 15th June 2022. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 22 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. *Prima facie*, there is substance in the contention of the learned Counsel for the Applicant that the Applicant has not participated in the actual assault.

8. The Applicant is a young woman aged 21 years.

9. There are no criminal antecedents against the present Applicant.

10. Mr. Jha, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within Taluka -Vasai, District-Palghar.

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

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

ORDER

(a) The Applicant – Tanuja Deepak Gautam be released

on bail in connection with C.R. No.150 of 2022 registered with the Tulinj Police Station, District - Palghar on her furnishing PR. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

- (b) The Applicant shall not enter the Vasai Taluka, District-Palghar 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. The Applicant shall also furnish the details of the nearest Police Station to the Investigating Officer.
- (d) The Applicant shall report to the said nearest Police Station to her residence once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the

conclusion of the trial. The Police Inspector of said Police Station 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 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.

13. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]