

Dusane

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

BHALCHANDRA
GOPAL
DUSANE

CRIMINAL BAIL APPLICATION NO.2839 OF 2023

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GOPAL DUSANE
Date: 2024.01.16
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Smt. Yukta Bhushan Rokade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal a/w Kunal N. Pednekar, Savvy Kolhekar,
Advocates for Applicant

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

CORAM: MADHAV J. JAMDAR, J.

DATE: 16th JANUARY 2024

P.C.

1. Heard Mr. Vagal 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*.

3. The relevant details are as follows:-

1.	C.R. No.	69 of 2023
2.	Date of Registration of F.I.R.	21/03/2023
3.	Police Station Name	Gangapur Police Station, Nashik, Dist. Nashik
4.	Section/s & Act/s invoked	302, 323 of I.P.C., 1860

5.	Date of Incident	20/03/2023
6.	Date of Arrest	22/03/2023
7.	Date of filing of Charge-sheet	30/05/2023

4. As per the prosecution case, the Applicant is the mother of deceased. The deceased was an infant aged about 4 months. It is the case of the prosecution that the Applicant-mother killed the deceased-infant with a knife as her daughter used to be more with her husband and her mother-in-law. The prosecution case is that the Applicant's husband under the influence of liquor used to quarrel with her mother-in-law. The position on record shows that the Applicant has initially lodged a false F.I.R. stating that some stranger has committed the offence in question.

5. Learned APP opposed the Bail Application on the ground that false information is provided and that the infant child of age 3 months 18 days old was killed.

6. In the present case, the Charge-sheet is already filed on 30th May 2023. As per the Charge-sheet, there are 11 witnesses. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. The present Applicant does not have any criminal antecedents. The Applicant is a young lady and has been incarcerated for more than 9 months. The prosecution case is entirely based on circumstantial evidence.

8. Mr. Vagal, learned Counsel appearing for the Applicant stated that as several witnesses are residing in the same locality as that of the Applicant, therefore, the Applicant will not reside within Nashik district and the Applicant will reside at the residence of Shri. Abhiman Bhagwan Mali, Kapadane, Taluka, District-Dhule.

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

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

(a) The Applicant Smt. Yukta Bhushan Rokade be released on bail in connection with C.R. No.69 of 2023, registered with Gangapur Police Station, Nashik-District on her furnishing P. R. Bond of Rs.10,000/- with one or two sureties in the like amount.

(b) The Applicant shall not enter the area of Nashik district 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 while residing outside Nashik-District and shall keep the same updated, in

case there is any change.

(d) The Applicant shall report to Songir Police Station, District-Dhule once every month, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Songir Police Station, District-Dhule to communicate details thereof to the Investigating Officer.

(e) The Applicant shall not directly or indirectly make any inducement, threat or promise or 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 evidence and shall not contact or influence the complainant or any witnesses 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.

11. The Application is disposed of accordingly.

[MADHAV J. JAMDAR, J]