

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1316 OF 2024

Ratnabai Pralhad Kamble	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Vasantkumar Takke a/w. Mr. Amey Nayak and Mr. S.N. More,
for the Applicant.

Mr. B.V. Holambe-Patil, APP, for the Respondent/State.

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CORAM : N. J. JAMADAR, J.

DATE : JUNE 12, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned
APP for the State.

2. The applicant, who is arraigned in C.R. No.419 of 2023
registered with Khadakpada Police Station for an offence
punishable under Section 420 read with Section 34 of the Indian
Penal Code, has preferred this application to enlarge her on bail.

3. The applicant and her sons Gajanan Kamble and Ravindra
Kamble owned a room at 405, Apurva Lake View Co-op. Hsg. Soc.
Ltd. The applicant and the co-accused professed to sell the said
property to the first informant by executing a sale deed on 9th
October 2020 for a consideration of Rs.28,31,000/-. The first
informant was induced to part with a sum of Rs.13,00,000/-. It
transpired that the applicant and the co-accused had already sold
the said flat by executing multiple agreements for sale in favour of

Vinayak Pujari on 12th January 2018, Gangaram Boshnoi on 14th June 2018 and Rakesh Gokulsingh on 9th August 2018. The accused had also mortgaged the said flat and raised a loan of Rs.15 lakhs from Vishal Sahakari Patpedhi Maryadit, Kalyan Branch. Suppressing the said fact, the applicant and co-accused deceived the first informant.

4. The learned counsel for the applicant submitted that the co-accused Ravindra Kamble has already been enlarged on bail. The role attributed to the applicant is that of being the guarantor to the loan availed by Gajanan Kamble, her son. The applicant has been in custody since 22nd February, 2024. The investigation is complete. Thus, further detention of the applicant is not warranted.

5. The learned APP resisted the prayer for bail.

6. It was submitted that the applicant and the co-accused have deceived many persons in an identical fashion. Prima facie, it appears that Gajanan Kamble and Ravindra Kamble, the sons of the applicant are the holders of the room which was allegedly sold repetitively. The role attributed to the applicant is that of being a guarantor to the loan availed by Gajanan Kamble by mortgaging the subject property.

7. In any event, the applicant has been in custody since 22nd February, 2024. She is a woman. Investigation is complete for all

intent and purpose. Co-accused Ravindra has been released on bail. I am, therefore, inclined to exercise discretion in favour of the applicant.

Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The Applicant – Ratnabai Pralhad Kamble be released on bail in C.R.No.419 of 2023 registered with Khadakpada 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 shall mark her presence before Khadakpada Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.
- (iv) 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.
- (v) 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.

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

(vii) 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.)