

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2521 OF 2024**

Shantabai Kishan Karandekar ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Shriganesh Salba Sawalkar for applicant.

Mr. Babu V. Holambe-Patil, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 23rd AUGUST, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is seeking bail as she was arrested on 08.03.2024 in connection with FIR No.0091 of 2024 dated 20.02.2024, registered at Rabale Police Station, District Navi Mumbai, for offences under Sections 324, 323, 504, 506 and 427 read with Section 34 of the Indian Penal Code, 1860.

3. The learned counsel for the applicant submits that the applicant is a woman and she has remained behind bars since 08.03.2024. It is submitted that in the present case, the only overt act attributed to the applicant is that she allegedly assaulted the victim by means of a wooden bamboo and that too, on the hand of the victim. It is submitted that even the injury that was allegedly caused by the overt act of the co-accused person on the eye of the victim, was a simple injury. The injury certificate does not even refer to any injury on the hand of the victim.

4. It is further submitted that the incident in the present case occurred in the backdrop of an earlier incident, wherein the son of the applicant was assaulted. On this basis, it is submitted that this Court may show indulgence

to the applicant, as the say of the investigating officer before the Sessions Court shows that even the wooden bamboo has been recovered.

5. The learned APP, on the other hand, has opposed the prayer made in the present application, emphasizing upon the criminal antecedents of the applicant. Attention of this Court is invited to the say of the investigating officer filed before the Sessions Court, wherein reference was made to the criminal antecedents of the applicant. It was submitted that the applicant and her family members are all hardened criminals, who do not deserve any indulgence. The role of the applicant is evident from the statement of the informant, leading to registration of FIR.

6. This Court has perused the material on record. The statement of the informant shows that, at worst, the applicant can be said to have used a wooden bamboo to assault the victim on her hand. The injury certificate of the victim does not show any such injury. The wooden bamboo is also recovered. The applicant is a woman, who has remained behind bars since 08.03.2024. As regards the criminal antecedents of the applicant, the Sessions Court, in the order rejecting the application for bail filed by the applicant, has taken note of the fact that the applicant is acquitted in a few cases, while other cases are pending.

7. Considering the specific role attributed to the applicant in the present case and the fact that the injury certificate does not show any injury that can be co-related to the overt act attributed to the applicant, coupled with the fact that the applicant is a woman, who has suffered incarceration since 08.03.2024, this Court is inclined to allow the present application. The criminal antecedents in itself may not be a ground to deny relief to the applicant in the facts and circumstances of the present case.

8. Accordingly, the application is allowed in the following terms:
- (i) The applicant shall be released on bail in connection with FIR No.0091 of 2024 dated 20.02.2024, registered at Rabale Police Station, District Navi Mumbai, on furnishing PR Bond of ₹ 25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court;
 - (ii) upon release, within one week, the applicant shall inform the Investigating Officer as well as the trial court about her contact number and residential address and update the same in case of any change;
 - (iii) the applicant shall co-operate with the trial Court in completing the proceedings expeditiously and attend the proceedings before the trial Court on each and every date, unless specifically exempted;
 - (iv) the applicant shall not tamper with the evidence of the prosecution in any manner. She shall not undertake any action that may influence the informant, witnesses and other persons concerned with the case.
9. The applicant shall be liable to face proceedings for cancellation of bail, in the event any of the aforesaid conditions are violated.
10. It is also clarified that the observations made in this order are limited to the disposal of the present bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.
11. The application is disposed of.

(MANISH PITALE, J)

Priya Kambli