



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2533 OF 2024**

Shilpa Sonu Singh	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Rakesh Bhatkar with Mr. Mohan Devkule, Mr. Mohit Dali, Ms. Mrunali Khedekar, Ms. Smita Samel, for Applicant.
Mr. H.J.Dedhia, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 10 OCTOBER 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in C.R.No.270 of 2023 arising out of Sessions Case No.767 of 2023 registered with Mankhurd Police Station for the offences punishable under sections 302, 504, 506(2) 201, 120-B read with Section 34 of the Indian Penal Code, Section 3 read with Section 25 and Section 4 read with Section 27 of the Arms Act, 1959 and Section 37(1)(a) of the Maharashtra Police Act, 1951, has preferred this application to enlarge her on bail.
3. The indictment against the applicant, her husband Sonu Singh (A1) and son Aatish (A2) is that there was an accusation against Aaditya, another son of the Applicant, of having sexually exploited a 14 year old daughter of the first informant. Two of the co-accused of Aaditya were arrested. However,

Aaditya and two other co-accused were still absconding.

4. On 29 April 2023, the applicant, who is a neighbour of the first informant, raked up quarrel with the first informant and her daughters, including Farzana (deceased), asserting that the first informant had lodged a false report against Aaditya. The first informant retorted that the accusation was true as a video clip showing Aaditya along with other co-accused sexually abusing her minor daughter, had become viral. As the applicant started to abuse and assault them, the first informant and her daughter went to the police Station. The applicant followed them. To avoid escalation of the quarrel, the first informant and the deceased returned to their home.

5. While the first informant, deceased and others were standing in front of their home, the applicant started to abuse the deceased. The deceased was called towards accused. Deceased declined. Enraged the applicant instigated her husband Sonu Singh (A1) and Aatish (A2) to eliminate the deceased. Thereupon, Aatish (A2) charged towards the deceased armed with a sword. Sonu Singh (A1) accompanied him armed with a revolver. Aatish (A2) attempted blows by means of sword on the deceased. Fearing for her life, the deceased took shelter in the house of one Jaitun Shaikh, a neighbour. Both Sonu (A1) and Aatish (A2) barged into the house of Jaitun Shaikh and Aatish (A2) unleashed the blows by means of sword. Sonu (A1) fired at the deceased. After the deceased collapsed, the assailants fled away threatening

to kill the persons who tried to intervene.

6. In fact, this is the second bail application. The first application came to be dismissed as withdrawn on 29 April 2024. In the order, this Court had clearly recorded that the learned Counsel for the Applicant sought leave to withdraw the application after this Court expressed its disinclination to entertain the prayer for bail.

7. Mr. Bhatkar, learned Counsel for the Applicant, submitted that though the allegations against Sonu (A1) and Aatish (A2) are grave and there are witnesses who have stated that Aatish (A2) and Sonu (A1) assaulted the deceased by means of sword and fired at the deceased, respectively, yet, there is no credible material to connect the applicant with the said act. Emphasis was laid on the fact that none of the eye witnesses have stated that the applicant had instigated the assailants to mount the assault. It is only the first informant who has attributed the said role to the Applicant. Therefore, the applicant who, is a woman, and has been in custody since 4 May 2023, deserves to be enlarged on bail.

8. Mr. Dedhia, learned APP, strongly resisted the prayer for bail.

9. As noted above, since this Court, having regard to the material on record, had already expressed its disinclination to entertain the prayer for bail, there is no propriety in again entertaining the application afresh. Nonetheless, since a submission was canvassed that there is no material to

connect the applicant with the alleged offences, I have carefully perused the material on record.

10. At the outset, the context in which the offences were allegedly committed, cannot be lost sight of. The genesis of the alleged offences is in the accusation that Aaditya, another son of the applicant along with four co-accused, had sexually exploited a 14 year old daughter of the first informant by kidnapping her. The first informant and the witnesses alleged that the applicant had been raking up quarrels with the first informant with regard to the said accusation. On the day of occurrence also, the applicant had abused and assaulted the first informant.

11. This context, in my considered view, further aggravates the gravity of the offences allegedly committed by the accused. The submission on behalf of the applicant that she had no role in the alleged occurrence, is required to be appreciated in the light of the fact that there is material to show that, after Aaditya was accused of having sexually violated the minor daughter of the first informant, the applicant and her family had shifted to Ghansoli, Navi Mumbai. On the day of occurrence, the applicant and co-accused had come to Mankhurd and the quarrel ensued.

12. The allegations are required to be appreciated in the light of element of continuity in the occurrence which the witnesses have stated about. The first informant categorically stated that when they were returning from the police

station, the applicant abused the deceased and threatened her that she would be finished on that day. The first informant also stated that the applicant and co-accused were calling the deceased towards them and as the deceased declined and instead called them at the place where the first informant and the deceased were standing, the applicant got enraged and instigated the co-accused. Another daughter of the first informant has also categorically stated about the said role of the applicant. The fact that the other witnesses have not stated about the alleged instigation by the applicant, at this stage, does not detract materially from the prosecution. It is natural that the attention of the witnesses would be focused on the most notorious fact i.e. assault on the deceased by means of sword, and firing at her.

13. In the totality of the circumstances and especially having regard to the genesis of the offences, I am inclined to hold that there is adequate material to make out a strong prima facie case against the applicant as well. The allegation of aggravated penetrative sexual assault of a 14 year old girl are grave. Causing death of the sister of the minor girl when the said sister refused to back out from the allegations cannot be downplayed by asserting that the applicant had no role to play.

14. The application, therefore, deserves to be rejected.

15. Hence, the following order :

ORDER

(i) The Application stands rejected.

(ii) 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.)