

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO.4829 OF 2024**

Nirmala Gokul Sonvane ...Applicant  
*Versus*  
The State of Maharashtra ...Respondent

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Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar and Ms. Savvy Kolhekar, Advocates, for the Applicant.  
Mr. C. D. Mali, APP, for the Respondent-State.

**CORAM: MADHAV J. JAMDAR, J.**  
**DATED : 2<sup>nd</sup> DECEMBER 2024**

**P. C.:**

1. Heard Mr. Vagal, learned Counsel appearing for the Applicant and Mr. Mali, learned APP appearing for the Respondent-State.

2. This is a Bail Application preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The Applicant is Accused No.5.

3. The relevant details are as follows:

|   |                                |                               |
|---|--------------------------------|-------------------------------|
| 1 | C. R. No.                      | 59 of 2022                    |
| 2 | Date of registration of F.I.R. | 11/02/2022                    |
| 3 | Name of Police Station         | Deola Police Station, Nashik. |

|   |                                  |                                                         |
|---|----------------------------------|---------------------------------------------------------|
| 4 | Section/s invoked                | 307 r/w. 34 of the Indian Penal Code, 1860              |
| 5 | Date of incident                 | 11/02/2022                                              |
| 6 | Date of arrest                   | 11/02/2022                                              |
| 7 | Date of filing of Charge-sheet   | 10/05/2022                                              |
| 8 | Offences as per the Charge-sheet | 302, 307, 143, 147 & 149 of the Indian Penal Code, 1860 |

4. As per the prosecution case, there are total five accused involved in the crime. All these five accused are the members of the same family. The Accused No.1 is husband of the Applicant, the Accused Nos.2 and 3 are the sons of the Applicant and the Accused No.5 is the present Applicant. All of them are incarcerated since 11<sup>th</sup> February 2022 i.e. on the date on which the incident in question took place. Mr. Vagal, learned Counsel appearing for the Applicant states that the Accused No.3-Prasad Gokul Sonawane has been released on bail by order dated 9<sup>th</sup> October 2024 passed in Criminal Bail Application No.3996 of 2024. It is the further submission of Mr. Vagal, learned Counsel that the Applicant is a woman aged 54 years.

5. As per the prosecution case, prior to the incident, the deceased was in a romantic relationship with the Accused No.4-

Kalyani for about 7 years. However, the Accused No.1-Gokul opposed the said relationship and therefore, four months prior to the incident in question the Accused No.4-Kalyani was not on talking terms with the deceased. The Accused No.1-Gokul was having suspicion that the deceased broke up Kalyani's marriage i.e. his daughter's marriage, therefore, the incident in question took place.

6. As per the prosecution case, the Accused No.2 assaulted the deceased on his head with an iron pipe and the Accused No.3 assaulted the deceased on his head with an iron rod. The Accused No.1-Gokul caught hold of the deceased, Accused No.5-Nirmal (present Applicant) poured petrol on the deceased and Accused No.4-Kalyani set the deceased on fire. As per the post-mortem report, deceased sustained 78% burns and opinion as to the probable cause of death as recorded in post-mortem report at page 115 is as follows:

**7. "DEATH IS DUE TO COMBINED EFFECT OF SHOCK DUE TO BURNS WITH HEAD INJURY, WHICH ARE SUFFICIENT TO CAUSED DEATH INDIVIDUALLY AND COLLECTIVELY.**

**8. ALL INJURIES ARE ANTE MORTEM IN NATURE AND FRESH IN DURATION.**

**9. BURN INJURIES ARE CAUSED BY FLAME BURNS AND INJURIES NO.2 AND 3 MENTION IN COLUMN NO.17 ARE CAUSED BY HARD AND HEAVY OBJECT OR SURFACE.”**

**10.** Mr. Vagal, learned Counsel appearing for the Applicant submitted that the Applicant is lady of 54 years. The Applicant and co-accused are incarcerated since 11<sup>th</sup> February 2022. He submitted that although charge has been framed on 29<sup>th</sup> August 2022, till date there is no further progress in the trial. As per the prosecution case, there are 26 witnesses proposed to be examined by the prosecution. Therefore, trial will take considerable time to conclude. He therefore, submitted that the Applicant is entitled to be released on bail on the ground of long incarceration.

**11.** On the other hand, Mr. Mali, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that there are eye-witnesses to the incident. He pointed out the statement of Sandeep Kashinath Bacchav recorded on 15<sup>th</sup> February 2022. He submitted that there are other eye-witnesses to the incident. He pointed out the post-mortem report and submitted

that the deceased had sustained 78% burns. He submitted that the cause of death is combined effect of shock due to burns with head injury. He submitted that the present Applicant had poured petrol on the deceased on head and therefore, major role is played by the Applicant. He therefore, submitted that the Bail Application be rejected. On instructions, he submitted that there are no criminal antecedents against the Applicant.

**12.** Perusal of the record shows that the incident in question took place on 11<sup>th</sup> February 2022, the F.I.R. was lodged on 11<sup>th</sup> February 2022, the Applicant was arrested on 11<sup>th</sup> February 2022 and, Charge-sheet was filed on 10<sup>th</sup> May 2022. There is no progress in the trial except framing of the charge on 29<sup>th</sup> August 2022. For more than about 2 years and 4 months after framing of the charge, not a single witness has been examined. As per the Charge-sheet, there are 26 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.

**13.** The Applicant is a woman aged 54 years. There are no criminal antecedents against the present Applicant.

14. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the Accused.<sup>1</sup> If the Applicant’s detention is continues, it will amount to an infringement of his fundamental right under Article 21 of the Constitution of India of speedy trial. Therefore, the Applicant is entitled for bail.

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

16. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

17. In view thereof, the following order:-

### **ORDER**

(a) The Applicant – Nirmala Gokul Sonvane be released  
on bail in connection with C.R. No.59 of 2022

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**1** Hussainara Khatoon (IV) v. Home Secy., State of Bihar, (1980) 1 SCC 98

registered with the Deola Police Station, District - Nashik on her furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

- (b) 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.
- (c) The Applicant shall report to the Deola Police Station, District – Nashik as and when called by the Investigating Officer.
- (d) 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.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the

Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender her passport, if any, to the Investigating Officer.

18. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]