

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1384 OF 2024

Shivani Sanjay Kadam

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH
INTERIM APPLICATION NO. 2005 OF 2024
IN
BAIL APPLICATION NO. 1384 OF 2024

Manohar Damodar Tank

...Intervener

IN THE MATTER BETWEEN :

Shivani Sanjay Kadam

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Machchhindra R. Bodke a/w Ms. Ekta K. Patil and Ms. Priti Khaire, for the Applicant.
- Mr. Mithilesh Mishra a/w Ms. Nishi Singhvi, for the Applicant in IA/2005/2024
- Mr. Sagar R. Agarkar, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 30th July, 2024.

P. C. :

1. Heard Mr. Machchhindra Bodke, learned counsel for the applicant, Mr. Sagar Agarkar, learned APP for the state and Mr. Mithilesh Mishra, learned counsel for the intervenor (first informant).

2. learned counsel for the applicant sought to make the submissions on the merits of the matter when it was pointed out by the learned APP that

this is the third bail application filed by the applicant before this Court. The earlier two bail applications were dismissed on merits.

3. In this regard the learned counsel for the applicant submitted that the applicant was arrested on 05th June, 2020, and she has remained behind bars for slightly more than four years. This Court may take the said fact into consideration. It is further alleged that the informant is not cooperating with the Trial Court, as a consequence of which the trial has not progressed, despite the fact that while rejecting the first bail application, this Court had granted liberty to the applicant to move the Competent Court for expeditious disposal of the trial.

4. The learned counsel for the intervener (informant) submits that the allegations made against the informant are without any basis. It is alleged that, in fact, it is the applicant, who is responsible for delay in trial.

5. Be that as it may, this Court is of the opinion that when two applications of the applicant have been already dismissed on merits and there is no change in circumstance, the present application cannot be entertained. The only contention raised on behalf of the applicant is that she has remained behind bars for slightly more than four years.

6. A perusal of the documents on record shows that, *inter alia*, the

applicant is alleged to have committed offence under Section 467 of the Indian Penal Code, which carries a maximum sentence up to life imprisonment. While dismissing the earlier two bail applications of the applicant on merit, this Court has gone into the said aspect of the matter and *prima facie* findings are rendered against the applicant. In such a situation, no ground is made out by the applicant for entertaining the present application.

7. The application is dismissed. However, the Trial Court is directed to take all necessary steps to expedite the trial. The applicant as well as the informant, as also all the stakeholders are directed to cooperate with the Trial Court for expeditious completion of the trial.

8. In view of the above, the intervention application is also disposed of.

(MANISH PITALE, J.)