

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO. 1120 OF 2024

Vandana Vijay Paigude Appellant

Versus

The State of Maharashtra and Anr. Respondents

Mr. Kuldeep Nikam a/w Adv. Om N. Latpate and Adv. Devesh B. Suralkar, Advocate for the Appellant.

Mr. S. H. Yadav, APP, for the Respondent – State.

Mr. Swaraj Jadhav, Advocate for Respondent No.2.

Mr. Ramdas B., PSI, Warje Malwadi Police Station, Pune – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th MARCH, 2025.

P.C. :

1. The trial Court has rejected the bail application of the Appellant, therefore, the Appellant is before this Court by way of the present criminal appeal.

2. The Appellant is seeking regular bail in Crime No.81 of 2022 registered with Warje Malwadi Police Station, Pune, for the offences punishable under Sections 302, 341, 340F read with 34 of the Indian Penal Code, 1860 (for short “IPC”) and Sections 4 and 25 of the Arms Act and Sections 37(1), 37(3), 135 of the Bombay Police

Act, 1951 and Sections 32(2)(V) and 32(2)(Va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

3. It is prosecution's case that the Appellant's daughter had love affair with deceased, when the deceased had come to the Appellant's house to meet her daughter. It is alleged that the Appellant and co-accused chased him and assaulted with cement block and iron rod and murdered him. The allegations against the Appellant are that she assaulted the deceased with iron rod.

4. It is contention of learned counsel for the Appellant that Appellant is behind bar around three year, yet there is no progress in the trial. Learned counsel further submitted that allegations against the Appellant are that she assaulted the deceased with iron rod. The Appellant is lady, the CCTV footage of the incident shows that when she was chasing the deceased, she was not holding iron rod in her hand, however, while returning she was holding iron rod in her hand. It shows that she was not carrying weapon while chasing the deceased. Learned counsel further submitted that incident occurred suddenly, the Appellant had no intention to kill the deceased. The Appellant is karta of her family, hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for the Respondent No.2 that the Appellant and co-accused murdered the deceased with planning. When deceased came to house of the Appellant, they assaulted him and threw chilly powder in his eyes and tried to assault him. When he tried to flee, they chased him and murdered him on road. Total 23 injuries were found on the body of the deceased, even one teeth of the deceased was broken. It shows the brutality of crime. Learned APP further submitted that the incident is witnessed by eye witnesses. There are CCTV footage of the incident. The Appellant had motive to kill the deceased as he had love affair with the daughter of the Appellant. If Appellant released on bail, she may abscond and she may threaten the prosecution witnesses. Hence, requested to reject the application.

6. I have heard all learned counsel. Perused charge sheet.

7. The allegations against the Appellant are that she assaulted the deceased with iron rod. The postmortem reports shows that death of deceased caused due to head injuries. It appears from the CCTV footage that when the Appellant was chasing deceased she was not holding iron rod in her hand. While returning she was holding iron rod and one stick in her hand. The Appellant is lady.

She is behind bar around three years, yet charges have not been framed against her. Considering these facts, her further custodial interrogation is not required, and I pass following order:-

ORDER

- i. Appeal is allowed.
- ii. The Appellant - Vandana Vijay Paigude be released on bail in Crime No.81 of 2022 registered with Warje Malwadi Police Station, Pune, on executing P.R. Bond of Rs.50,000/- with one or two sureties in the like amount.
- iii. The Appellant shall attend the concerned police station as and when required.
- iv. The Appellant shall remain present before the trial Court on each date unless exempted by the trial Court.
- v. The trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

8. The appeal is allowed in the aforesaid terms and is accordingly disposed of.

9. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)