

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 4664 OF 2024

Babita Lalman Yadhav

...Applicant

VERSUS

The State of Maharashtra

...Respondent

....

Mr. Pandit Kasar, Advocate for the Applicant.

Mr. S. V. Walve, A.P.P. for the Respondent – State.

Ms. Sofiya Shaikh, for the Intervenor

....

CORAM : N. R. BORKAR, J.

DATE : 17.01.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 388 of 2024 registered at Chikhali Police Station, Pimpri-Chinchwad for the offences punishable under Sections 109, 115(2), 351(3), 352 & 3(5) of the Bharatiya Nyaya Sanhita (for short “BNS”), 2023.
3. It is the case of the prosecution that the present applicant was having extra marital relationship with the injured. It is alleged that on the date of the incident which took place on 07.07.2024, the present applicant and other co-accused assaulted him with stones and attempted to kill him, as he refused to pay Rs.50,000/- to her.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent/State and learned counsel for the injured.

5. The learned counsel for the applicant submitted that the applicant has a minor child. It is submitted that the alleged injury sustained by the injured is not attributed to the present applicant. It is submitted that applicant is in jail for about six months and the trial is not likely to be concluded in near future.

6. On the other hand, learned APP for the respondent/State and learned counsel for the injured submit that in the incident in question, the injured had sustained a grievous injury on his head and was in a hospital for eight days. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of the injured. The injury sustained by the injured is not attributed to the present applicant. The injured has not suffered any sort of disability from the said injury. In that view of the matter, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 388 of 2024 registered at Chikhali Police Station, Pimpri-Chinchwad for the offences punishable under Sections 109, 115(2), 351(3), 352 & 3(5) of the Bharatiya Nyaya Sanhita (BNS),

2023, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

(N. R. BORKAR, J.)