

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1039 OF 2025

Savitri Kalu Bhavar .. Applicant

Versus

The State Of Maharashtra .. Respondent

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- Mr. Raju Suryawanshi, Advocate for Applicant.
- Mr. Hitendra J. Dedhia, APP for State.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 11, 2025

P. C.:

1. Heard Mr. Suryawanshi, learned Advocate for Applicant and Mr. Dedhia, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 328 of 2023 registered with Shahapur Police Station for the offence punishable under Sections 302, 34, 498(A), 324 of the Indian Penal Code, 1860 and under Sections 3, 25 of the Arms Act, 1959.

3. While dealing with the Bail Application of the brother of the principal accused who is also the son of present Applicant this Court had the opportunity of hearing the prosecution and the Advocate for complainant at length on the precise role of the co-accused persons in the crime. *Prima facie* it is seen that in the crime that has been registered role of the present Applicant is alleged under

Section 498A of the Indian Penal Code, 1860 apart from other provisions read with Section 34 of the Indian Penal Code, 1860. *Prima facie* from the record it is seen that Applicant was not present in the house when the incident took place. It is seen that there were two victims who were injured but the one of the injured victim namely Ranjana, wife of Shiva who is son of the Applicant succumbed to her injuries.

4. According to prosecution case on the date of the incident i.e. on 19.09.2023 at about 9:30 pm the principal main accused No.4 namely son of present Applicant Aatya Kalu Bhavar got enraged due to an altercation with the deceased Ranjana who did not give him food and in a rage of fury assaulted her with the ठासणीची बंदुक (fire arm). Admittedly, prosecution case and record of the case shows that when the incident occurred the principal accused No.4 - Aatya Kalu Bhavar, Ranjana and her one and half year old son Dhiraj were the only persons present in the house and no other family members were present. At that time wife of the Accused No.4 had gone to her mother's place. Though act of the principal accused in assaulting Ranjana with the fire arm was extremely gruesome, as it is seen from the forensic medico-legal report that there are at least 8 fire arm injuries on the body of the victim, insofar as the present Applicant that is mother-in-law of deceased victim – Ranjana is concerned, it is

argued by Mr. Suryawanshi that taking the prosecution case at the highest that she could be indicted under Section 498A, in that event Applicant has already served incarceration for the past 17 months. He would therefore persuade the Court to consider Applicant's case on parity with the case of her son Gajmal Kalu Bhavar who is the brother-in-law of deceased victim – Ranjana and who was also similarly placed as the present Applicant in question and they were was not present in the house when the incident occurred. Rather it is an admitted position that Applicant stayed separately in another house in the neighbourhood.

5. Mr. Dedhia, learned APP would persuade the Court to consider the gravity of the crime and heinous nature in which the crime has taken place and would submit that conduct of all family members of the original Accused No.4 namely Aatya Kalu Bhavar who committed the actual assault has to be looked at from a conspiracy angle as even after occurrence of the incident there were attempts made by the family members to shield the perpetrator namely Accused No.4. That apart he would submit that complicity of the Applicant in the crime would be evident since she is the mother-in-law and deceased victim stayed with her in a joint family and therefore the Applicant's complicity in causing mental harassment and torture to the victim cannot be ruled out.

6. I have considered the record of the case. *Prima facie* from the witness statement that have been recorded as also the prosecution case it is seen that Applicant was not present at the incident spot at the time of occurrence of the incident. Applicant was in fact residing separately and not in the house where incident took place. If at all there was any intention of the Applicant in the crime the same can be determined at the time of trial.

7. Due to parity to which the Applicant is entitled to in view of her role being similar to that of Gajmal Kalu Bhavar who has been granted bail by order dated 21.02.2025, Applicant is also enlarged bail.

8. Bail Application is allowed on the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing PR. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;

(ii) Applicant shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 am to 12:00 pm for the first three months and thereafter as and when called;

(iii) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically

exempted and will not take any unnecessary adjournments, if she does so, it will entitle the prosecution to apply for cancellation of this order;

(iv) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(v) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;

(vi) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time; and

(vii) Any infraction of the above conditions shall entail cancellation of this order.

9. The aforesaid observations are *prima facie* on the basis of record of the case which have been argued before me and is an expression of opinion by this Court only for the purpose of enlargement of Applicant on bail and shall not influence the trial in the present case.

10. Bail Application is allowed and disposed.