

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1636 OF 2025

Shivani Dharma Jagtap

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Santosh Sonawane, Advocate for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2025

P.C.:

1. Heard Mr. Sonawane, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent.

2. Applicant is incarcerated in an offence punishable under Section 302 of the Indian Penal Code, 1860 (for short 'IPC') and is incarcerated for past 21 months as informed by Mr. Sonawane. There are total four Accused persons in the present crime.

3. Mr. Sonawane would inform that investigation has been completed and charge-sheet has been filed and Applicant is having two minor children aged 5 years and 6 years old to whom she is required to provide care and support. He would therefore persuade the Court to consider the case of Applicant for grant of bail.

4. One of accused person is her husband and other two co-accused persons are his friends. The deceased victim in the present case is alleged to be the friend of Applicant.

5. Mr. Sonawane would submit that according to the prosecution case she was present at the scene of crime. According to the prosecution case reliance is placed on the confessional statement of co-accused persons wherein co-accused has stated that Applicant has inflicted a blow with a glass bottle on the head of deceased – victim but he would submit that in the post-mortem report appended at page No.37, if seen there is no injury whatsoever seen inflicted on the head of the deceased - victim.

6. He would therefore submit that the indictment of Applicant is based upon incorrect confessional statement not supported by the medical evidence which may be considered by the Court at the stage of bail in view of the decision of the Supreme Court reliance to be placed on confessional statement recorded by the police officers in the case of *Tofan Singh Vs. State of Tamil Nadu*¹.

7. Learned APP shall ascertain the veracity of submissions made by learned Advocate for Applicant and apprise the role of Applicant on the next adjourned date.

¹ (2021) 4 SCC 1.

8. Stand over to **04th July, 2025.** To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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HANUMANT
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