

Shabnoor

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

BAIL APPLICATION NO.1921 OF 2025

Kajal Ugrej @ Sonal Anil Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Aniket Vagal for the applicant.

Mrs. Megha Bajoria, APP for the respondent-State.

Mr. Shirkar, API, APMC Police Station, Navi Mumbai.

CORAM : AMIT BORKAR, J.

DATED : JUNE 20, 2025

P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, whereby the applicant seeks regular bail in connection with Crime Register No.495 of 2024, registered with APMC Police Station for offences punishable under Sections 123 (causing hurt by means of poison) and 303(2) (theft) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of the prosecution is that on 10 November 2024, the applicant allegedly gave a sweet to the informant which caused the informant to become intoxicated or drowsy. Taking advantage of the situation, the applicant is stated to have taken the informant to a lodge and committed theft of two gold chains and two mobile phones collectively valued at ₹1,24,000/-.

3. It appears that the applicant was arrested on 16 November 2024, and the charge-sheet was filed on 17 December 2024. The applicant had initially approached the Sessions Court for bail, which came to be rejected, primarily on the ground that the applicant has previous criminal antecedents and that there is a possibility she may commit similar offences if released on bail. Aggrieved thereby, the applicant has filed the present application seeking regular bail.

4. The learned counsel for the applicant has submitted that the applicant is a woman with three minor children, and her husband has deserted the family. It is submitted that the youngest child is just one and a half years old and is currently residing with the grandparents. It is further submitted that the applicant is suffering from tuberculosis and is undergoing treatment. The learned counsel submits that the recovery of the stolen articles has already been effected, and therefore, no purpose will be served by keeping the applicant behind bars, especially considering her personal and medical hardships.

5. The learned Additional Public Prosecutor has opposed the application, pointing out that the applicant has four previous criminal cases registered against her involving similar modus operandi, which show a tendency to commit like offences. It is contended that if the applicant is enlarged on bail, there is every likelihood that she may repeat similar crimes, thereby posing a risk to society.

6. I have carefully considered the submissions advanced on behalf of both sides and perused the charge-sheet as well as the documents relied upon by the prosecution. At this stage, it appears that the allegations against the applicant are serious in nature. The prosecution case is that the applicant laced a sweet with an intoxicating substance, made the victim unconscious, and committed theft. The recovery of the stolen articles is shown to have been effected.

7. However, it is not disputed that the charge-sheet has been filed, and the investigation is complete. The applicant is a woman accused, and it has been brought on record that she has three minor children, including one who is merely one and a half years old. It is further submitted that she is suffering from tuberculosis and is under treatment. These factors, being relevant under the proviso to Section 437 of Cr.P.C., require the Court to consider the claim for bail sympathetically, especially in cases where the accused is a woman and the investigation is complete.

8. At the same time, the record shows that the applicant has four previous offences registered against her, involving similar allegations. The learned APP rightly contends that there is a risk of the applicant indulging in similar conduct in the future. This Court, therefore, must strike a balance between the right of the applicant to seek liberty and the interest of society in preventing repetition of such offences.

9. Taking into consideration the overall facts and circumstances, including the applicant's health condition,

responsibility of caring for minor children, and the fact that the recovery is made and investigation is over, I am inclined to grant bail to the applicant. However, to ensure that the applicant does not misuse the liberty, strict conditions need to be imposed.

10. In view of the above discussion and legal position, the following order is passed:

- (a) The Bail Application is allowed.
- (b) The applicant, *Kajal Ugrej @ Sonal Anil Patil*, shall be released on bail in connection with Crime Register No.495 of 2024 registered with APMC Police Station, Navi Mumbai, for offences under Sections 123, 303(2) of the BNS, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:
- (c) The applicant shall not directly or indirectly make any contact with the family members of the deceased or any prosecution witnesses, and shall not tamper with the evidence in any manner.
- (d) The applicant shall report to the concerned police station once every month i.e., on Monday of every month between 10:00 a.m. to 12:00 noon, until further orders.
- (e) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(f) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(g) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

11. The Bail Application is accordingly disposed of in above terms.

(AMIT BORKAR, J.)