

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

ANTICIPATORY BAIL APPLICATION NO. 54 OF 2025

Jyoti Nilesh Naik

...Applicant

Versus

The State of Maharashtra

...Respondent

- Ms. Kirti Samdade a/w Ms. Priyanka S. Sahu and Mr. Sushant T. Ojha, for Applicant.
- Ms. R.D. Humane, APP for Respondent – State.
- Mr. Amol Jadhav, API, Rabale Police Station.

CORAM : MANISH PITALE, J.

DATE : 27th JANUARY, 2025.

P. C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent – State.

2. The applicant herein is a woman, who is seeking anticipatory bail, as she apprehends arrest in connection with First Information Report No.0091 of 2024, dated 20th February, 2024, registered at Police Station Rabale, District Navi Mumbai, for offences under Sections 324, 323, 504, 506 and 427 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. It is to be noted that this Court granted bail to the mother of the applicant i.e. Shantabai Karandekar by an order dated 23rd August, 2024, passed in Bail Application No.2521 of 2024. Although the considerations for the regular bail are different, the observations made in the said order can be

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perused while considering the present application.

4. The learned counsel for the applicant invited attention of this Court to the statement of the informant that led to registration of the FIR, as also the other material on record to submit that there is not even an allegation of use of any weapon by the applicant. General allegations are made against the applicant about being present at the date and time of the incident. There is no question of recovery and since the applicant is ready to cooperate with the investigation and she undertakes to remain present before the Investigating Officer, this Court may consider allowing the present application.

5. On the other hand, the learned APP submitted that the statement of the informant, leading to registration of the FIR, as also statement of the eye witness shows that the applicant was very much present at the date and time of the incident. She assisted the co-accused persons in assaulting the victims and therefore, no indulgence may be shown.

6. A perusal of the material on record shows that while the name of the applicant is certainly mentioned in the statement of the informant, leading to registration of the FIR, apart from mentioning her presence there is no specific allegation about the manner in which she assaulted the victims and there is absolutely no reference to any weapon being used by the applicant.

7. The statement of one of the eye witnesses, upon which the learned APP relied, shows that it was recorded 6 days after registration of the FIR and 7 days after the incident. Even in the aforesaid statement, the eye witness merely stated that the applicant was present and that she alongwith others assaulted the victims by way of fists and kicks.

8. This Court is of the opinion that the material on record shows general and *omnibus* allegations against the applicant with no reference to use of any weapon. Hence, there is no question of any recovery of weapons from the applicant.

9. The applicant is a woman and she has undertaken to cooperate with the investigating authority and no purpose would be served by insisting upon the applicant being sent behind bars.

10. In view of the above, the application is allowed in the following terms:

- (A) In the event the applicant is arrested in connection with FIR No.091 of 2024, dated 20th February, 2024, registered at Police Station Rabale, District Navi Mumbai, she shall be released on bail, on furnishing PR Bond of ₹ 25,000/- with one or two sureties each in the like amount, to the

satisfaction of the Trial Court.

- (B) The applicant shall remain present before the Investigating Officer on 29th January, 2025, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicant shall cooperate with the investigation.
- (D) The applicant shall not tamper with the evidence in any manner. She shall not influence the informant, witnesses or any other persons concerned with the case.

11. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

12. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

13. The application is disposed of.

(MANISH PITALE, J.)