



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 473 OF 2025

Puja Nagesh Shinde

...Applicant

V/s

State of Maharashtra

...Respondent

...

Adv. Priyal. G. Sarda a/w Seema S. Dighe, Shubham Sane & Rajesh Ranglani for the Applicant.

Adv. Ajay S. Patil, APP for the State.

API Mr. Sameer Thore, P.C. Mr. Latif Mujavar, Barshi City Police Station, Solapure (R).

...

CORAM : RAJESH S. PATIL, J.

DATED : 18th FEBRUARY, 2025

P.C.:

1. The Applicant has filed the present Application under 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 apprehending her arrest in C. R. No. 1083 of 2024 registered with Barshi City Police Station, Dist-Solapur (R) for the offences punishable under Section 108, 351(2) and 351(3) of Bhartiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the First Informant's son Samadhan was working at Barshi, where he had met the present Applicant who a widow. There was an extra marital affair between them for last five to six years. The Applicant

used to borrow money from Samadhan and used to harass him mentally. Due to the said act of the Applicant, Samadhan always used to be in stress. As the Informant and her family members desired that Samadhan was of a marriageable age, they started searching for a bride. When the Applicant got the knowledge that Samadhan is going to get married, she threatened him that she would file a false complaint against him on the ground of 'rape.' Samadhan was always in stress and on 5 October, 2024, at around 6.30 pm, Samadhan committed suicide by hanging himself in his house. Thereafter, an FIR was lodged by the mother of Samadhan, the Informant.

2. The Applicant had thereafter filed an Anticipatory Bail Application before the Sessions Court. However, the said Anticipatory Bail Application was rejected on 20 January, 2025. Therefore, the present Anticipatory Bail Application is filed.

3. Mr. Sarda, learned counsel for the Applicant submits that the FIR has been filed after a period of 67 days. He submits that there was a gross delay in filing the FIR by the Informant. He submits that the present FIR was lodged only on 12 December, 2024, before the said date, the Applicant had filed NCR No.

1569/2024 on 3 December, 2024, against the First Informant and her family members. He submitted that in fact the Applicant and the Informant are related to each other. So also, the Applicant had lodged the FIR No. 347/2024 on 14 April, 2024 against close relatives of the First Informant. One more FIR bearing No. 36/2024 was lodged by the Applicant's sister (Sarika Shitole) on 19 January, 2023 against the relatives of the First Informant. He submits that due to filing of three complaints by the Applicant, the present FIR has been lodged by the Informant. The FIR is in fact filed by an ulterior motive after a long delay. He submits that the Applicant is widow and she has two children aged 10 years and 12 years. There is nobody else to look after her children. She is working with Municipal Council as a sweeper. She is ready to co-operate with the Police as and when called by the Police.

4. Learned APP submits that since the offence mentioned in the FIR is of a grave magnitude, the physical custody of the Applicant would be required. He submits that if the Applicant is released on bail she is likely to tamper with the evidence and influence the witnesses.

5. Taking into consideration the fact that the FIR has been

lodged after 67 days and before lodging of the FIR by the Informant, there are three FIRs lodged by the Applicant/her family members against the Informant and her relatives. The Applicant is widow, on whom her two children are dependent. The Applicant is a Government Servant working with the Municipal Council as a sweeper. There is no recovery to be made from the Applicant. Since the Applicant is ready to co-operate with the police, according to me, the case is made out to grant protection to the present Anticipatory Bail Application. Hence, I pass the following order.

Order

- (i) Anticipatory Bail Application is allowed.
- (ii) **In the event of arrest**, the Applicant be released on bail in C.R. No. 1083/2024 registered with Barshi City Police Station on furnishing a PR bond of the sum of Rs. 30,000/- (thirty thousand only) and one or two sureties in the like amount to the satisfaction of the jurisdictional Court.
- (iii) The Applicant shall mark her presence at Barshi City Police Station on first Monday of every alternate month between 11.00 am to 1.00 pm for a period of two years or till the conclusion of the trial, whichever is earlier.

(iv) The Applicant shall not tamper with the prosecution evidence. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing the facts to Court or any police officer.

(v) On being released on bail, the Applicant shall furnish her contact number and residential address to the investigating Officer and shall keep her updated, in case there is any change.

(vi) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influence by any of the observations made hereinabove.

6. Anticipatory Bail Application is accordingly disposed of.

(RAJESH S. PATIL, J.)

This order is corrected pursuant to speaking to minutes order dated 28/03/2025.