

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

**INTERIM APPLICATION NO. 1980 OF 2025
IN
CRIMINAL APPEAL NO. 567 OF 2025**

Shobha Kishor Valmiki Applicant
v/s.
Meena Vinod Narwal and Ors. Respondents

Mr. Anil S. Shitole a/w. Mr. Sumit Khaire and Mr. Nilesh Wable
for the Applicant/Appellant.
Ms. Geeta Mulekar, APP for the State.

**CORAM: SARANG V. KOTWAL AND
SHYAM C. CHANDAK, JJ.**

DATED : 11th JUNE, 2025

P. C. :-

- 1) This is an Application for suspension of sentence by granting bail during pendency of the Appeal. The Applicant was the original Accused No.13 in Sessions Case No.105/2018 before the learned Additional Sessions Judge, Baramati, District Pune.
- 2) The learned Judge vide his Judgment and Order dated 30/04/2025, convicted the Applicant alongwith others for commission of offences punishable under Sections 302, 341, 143, 148, and 506 read with Section 149 of the Indian Penal Code. The major sentence imposed on the Applicant was life imprisonment besides imposition of fine of Rs.25,000/-.

3) Heard Mr. Anil Shitole, learned Counsel for the Applicant and Ms. Geeta Mulekar, learned APP for the State.

4) The prosecution case is that due to previous enmity, on 03/05/2018 at about 08:00 p.m., all the accused who were about 15 in number, encircled one Vinod Narwal and assaulted him with deadly weapons causing his death. The investigation was carried out and all the accused faced the trial. The main evidence against the accused in this case is in the form of two eye witnesses namely PW1 – Meena Narwal who was wife of the deceased and one Usha Wadmare (PW2) who was her neighbour.

5) Learned Counsel for the Applicant submitted that PW1 – Meena Narwal has not attributed a specific role to the Applicant. She has only mentioned about her presence along with other accused. He further submitted that PW2-Usha Wadmare has not even specifically named the Applicant. There is a vague and general statement that all the accused were present at the spot besides naming four accused who were attributed specific role of assault with deadly weapons. He submitted that the evidence against the Applicant is quite vague. There is no recovery at her instance. She is a lady. She was on bail during trial. There are no criminal antecedents to her discredit. She has two children. The daughter is married and the 20 year old son is still taking education. Therefore, in these circumstances, she may be granted bail.

6) Learned APP submitted that PW1 has specifically mentioned about the Applicant's presence at the time of the incident. She had come along with others accused and had encircled the victim and PW1. Therefore, she was a member of the unlawful assembly. Hence, under Section 149 of IPC, she is also equally liable for the assault committed by others. She, therefore, opposed grant of bail.

7) We have considered the submissions. We have perused the evidence of PW1 and PW2.

8) PW1- Meena Narwal has mentioned that the Applicant was amongst other accused who had encircled the victim and her. However, she has not attributed any specific role to the Applicant. She has attributed the assault with deadly weapons to the accused Sanjit Taak, Sujit Taak, Ranjit Taak, Ravi Taak and Aakash. At the same time, she has also attributed specific role to the accused Usha Ghante, Madhuri Taak and Mayuri Taak but she has not attributed any specific role to the Applicant.

9) PW2-Usha Wadmare has not specifically named the Applicant but there is a vague and general statement that, apart from the aforesaid assailants, the other accused were present there and all of them were taking part in the assault. This is quite a vague statement.

10) In these circumstances, though Section 149 of IPC is held against the Applicant, the effect of this evidence will have to be minutely considered at the stage of final hearing. At this stage, what weighs with us

is, absence of any specific role attributed to her. She was on bail during trial, she is a lady and there is admittedly enmity between PW1 and the Applicant. Therefore, the evidence of P.W.1 will have to be considered from that angle. This will have to be tested at the stage of final hearing. PW2's evidence is not specific. Under the circumstances, we are inclined to grant bail to the Applicant pending her Appeal. Hence, the following Order :-

- O R D E R -

(a) During pendency and final disposal of Criminal Appeal No.567 of 2025, the Applicant is directed to be released on bail on her executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

11) Interim Application stands disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

**PREETI
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