

MHRG010005332025



Order below Exh. 1 in Cri. Bail Application No.77/2025

(Poonam @ Divya Vs. State).

This is an application filed by Accused No.5 namely **Poonam @ Divya Devendra Mhatre** seeking regular bail being arrested in crime No.66/2025 registered against her in Mandwa Sagaro police station in respect of offences punishable under Sections 103, 109, 126(2), 189(2), 189(4), 191(2), 191(3), 190, 118(1), 115(2), 352, 351(2), 351(3) of the Bhartiya Naya Sanhita 2023 and u/s.4, 27 of Arms Act 1927 and u/s.37(1)(3) of Maharashtra Police Act. Heard the learned Advocate for the applicant and the learned DGP for the State. Also perused the case diary, the affidavits filed by the victims, and other material on record.

2. The brief facts of the prosecution case are that Accused Nos.1 to 6 formed an unlawful assembly armed with deadly weapons and assaulted the complainant and other victims. It is alleged that Accused No.1 stabbed deceased Dharmendra in the chest causing his death. Accused Nos.2 and 3 assaulted another victim, Vishwas, with an intention to kill him. As regards Accused No.5 (the present applicant), the allegations are that she supplied weapons to Accused Nos.1 to 4 and as-

saulted the complainant's mother with a sickle on her neck.

3. The applicant seeks bail on the grounds that:

a) Her minor daughter has just passed the 10th standard and needs parental support for further education.

b) Both her parents (including herself) are currently in custody, which would gravely impact the child's welfare and future prospects.

c) She suffers from a rare autoimmune disease (lupus) requiring ongoing treatment.

d) The injured victim assaulted by her has been discharged from hospital and there is no risk of grievous or life-threatening injury at present.

e) The investigation is almost complete and no further custodial interrogation is required.

4. The State has opposed the application on the ground that the applicant is politically active, resides in the same locality as the complainant, and may tamper with evidence and influence witnesses if released.

5. Additionally, the victims have filed affidavits opposing the bail application, stating that the applicant is involved in serious offences, and expressing apprehension that her release on bail may endanger their safety and obstruct the fair conduct of the trial.

6. It is pertinent to note that the prosecution has not shown that the applicant has ever been convicted by any court in any cognizable offence. It is a settled principle that mere registration of other crimes against an accused, without any conviction, cannot be the sole ground to deny bail if the other circumstances favour conditional release.

7. On careful perusal of the material on record, it appears that the specific role attributed to the applicant is of supplying weapons and causing injuries to the complainant's mother, who has since been discharged from hospital. There is no direct allegation that the applicant caused the fatal injury to the deceased Dharmendra.

8. Considering the applicant's medical condition, the welfare of her minor daughter, the fact that both parents are in custody, and the stage of investigation being nearly complete, the Court finds that continued incarceration is not necessary at this juncture, provided that stringent conditions are imposed to address the legitimate concerns of the victims and the prosecution.

ORDER

1. The bail application is hereby allowed.

2. Accused No.5 **Poonam @ Divya Devendra Mhatre** shall be released on regular bail in Crime No. 66 of 2025 registered with Mandawa Sagari Police Station, in respect of offences punishable under Sections 103, 109, 126(2), 189(2), 189(4),

191(2), 191(3), 190, 118(1), 115(2), 352, 351(2), 351(3) of the Bhartiya Naya Sanhita 2023 and u/s.4, 27 of Arms Act 1927 and u/s.37(1)(3) of Maharashtra Police Act. on her executing a personal bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with surety in the like amount, to the satisfaction of the learned Magistrate/Judicial Officer concerned.

3. The applicant shall abide by the following conditions :-

1) She shall not enter the residential locality of the complainant and victims during the pendency of the trial.

2) She shall not threaten, contact, induce, or tamper with any prosecution witnesses in any manner.

3) She shall regularly attend the trial Court on all hearing dates unless exempted by a specific order.

4) She shall cooperate with the investigation and attend the police station as and when required by the Investigating Officer with prior written notice.

5) She shall not leave the jurisdiction of this Court without prior permission.

6) She shall inform the Investigating Officer and the trial Court about any change in her residential address.

7) She shall continue her medical treatment and submit medical reports if so directed by the Investigating Officer or the Court.

8) Any breach of these conditions shall entail cancellation of bail, and the State shall be at liberty to apply for such cancellation.

Alibag,

Date:- 19/06/2025.

(S.D.Bhagat)

Additional Sessions Judge,
Raigad-Alibag.

CERTIFICATE

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno	-	.Manisha Sudhir Kadave Stenographer Grade-I
Name of Court	-	Shri. S.D.Bhagat, Additional Sessions Judge, Raigad-Alibag
Date of Order	-	19/06/2025.
Order signed by PO on	-	19/06/2025.
Order uploaded on	-	/ 06/2025.

(Sau.Manisha Sudhir Kadave)

Stenographer Grade-I