

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
BAIL APPLICATION NO.2570 OF 2014

Mrs. Vimala Sureshchandra Mishra ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Ujjwal R. Agandsurve for the Applicant
Ms A.T. Javeri, APP for the Respondent-State
Mr. N.D. Patil, PI, present.

CORAM: P.D. KODE, J.

DATED: JANUARY 22, 2015.

PC:

1. By this application the accused No.4 mother-in-law charge-sheeted by Vishnu Nagar Police Station, Dombivli alongwith three more co-accused i.e. husband of the victim, father-in-law and sister-in-law for commission of offences under sections 498-A, 304 (B), 306 and 504 r/w section 34 of the IPC, has prayed for bail.

2. The prayer for bail is objected by the learned APP on the ground that during the investigation tangible material has been collected in the shape of statements of minor daughter, brother, sister and parents of deceased Vandana revealing that the victim was harassed by the Applicant and other family members. It is submitted that the said material reveals that the demand of money was also made. It is submitted that the victim was the second wife of the son of the

Applicant and she had married said son after her elder sister earlier married to said son had passed away. Learned APP urges that the material reveals of son of the Applicant having given admission of having killed the said earlier sister. It is thus, urged that both the girls from the said family having met with an unnatural death speaks volume regarding the involvement of the members of the Applicant family.

3. Mr.Ujjwal Agandsurve learned counsel for the Applicant has submitted that perusal of the charge-sheet reveals that the allegations regarding the acts committed by the Applicant are vague regarding date time and place at which the Applicant had harassed the deceased. It is submitted that the allegations of demand of money are not at all against the Applicant and are against the charge-sheeted accused No.1 i.e. husband. It is submitted that the Applicant is of age 48 years and as such her prayer for bail be considered on terms and conditions deemed fit and proper by the Court.

4. A perusal of the charge-sheet and the statement of the daughter of the victim and other relatives supports the submissions canvassed by learned counsel for the Applicant of the allegations of demand of money are directed mainly against the other accused or at least not against the Applicant. Having regard to it and the other allegations of vague nature and the Applicant being women the prayer

for bail deserves consideration.

5. Resultantly, the application is allowed. The applicant is directed to be released on bail in C.R. No.I-144 of 2009 registered with Vishnu Nagar Police Station, Dombivli, on furnishing PR. Bond in the sum of Rs.75,000/- (Rupees Seventy Five Thousand only) with one or two sureties to make up like amount and subject to conditions that after her release the applicant shall (i) stay at the address mentioned in the application and shall not change the same without permission of the Court; (ii) attend the I.O. on every first Monday of every month in between 11:00 a.m. to 1:00 p.m. until further order; (iii) not indulge in activity of tampering, threatening, coercing, intimidating or pressurizing the prosecution witnesses in any manner; and (iv) not misuse the bail granted vide this order for fleeing away or for committing any further offence.

6. The application accordingly stands disposed of.

(P.D. KODE, J.)