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

***CRIMINAL BAIL APPLICATION NO.1657 OF 2017***

|    |                          |               |
|----|--------------------------|---------------|
| 1. | Roshan Ram Mhatre        |               |
| 2. | Rupali Ram Mhatre        | ...Applicants |
|    | Versus                   |               |
|    | The State of Maharashtra | ...Respondent |

Mr.K.S.Patil, for the Applicants.

Mr.S. S. Pednekar, A.P.P for the Respondent-State.

API – A.A.Sanap, Alibag Police Station, Raigad.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 4<sup>th</sup> AUGUST, 2017***

**P.C. :**

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.98 of 2017 registered with the Alibag Police Station, Raigad, for the alleged offences punishable under Sections 498A, 306 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the Applicants, after arguing for some time, does not press this application, qua the applicant no.1-Roshan Ram Mhatre and seeks liberty to file an appropriate application, after filing of the charge-sheet, before the trial Court.

4. As far as applicant no.2-Rupali Ram Mhatre is concerned, learned counsel for the applicants submits that the allegations as against her are false and baseless. He submitted that the applicant no.2 was arrested on 3rd July, 2017 and is in custody since then.

5. Learned APP opposed the application.

6. Perused the papers. The complainant – Vrushali Patil, is the sister of the deceased – Runali. According to the complainant, Runali had disclosed to her, that the applicant no.2-Rupali Mhatre would suspect when she would talk on the phone, and would question her, as to whom she was talking to. Except this allegation, there is no other material, qua the applicant no.2- Rupali Ram Mhatre. Learned APP is also unable to point out any other material, qua the applicant no.2-Rupali.

7. Considering the aforesaid, the application is partly allowed and the applicant no.2- Rupali Ram Mhatre is enlarged on bail on the following terms and conditions:-

**ORDER**

i) The Applicant No.2- Rupali Ram Mhatre be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

ii) The Applicant No.2- Rupali Ram Mhatre, shall attend the concerned Police Station, as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

8. As far as applicant no.1-Roshan Ram Mhatre is concerned, the application, qua him is dismissed, as not pressed. The applicant no.1 is granted liberty to file an application, after filing of the charge-sheet, before the appropriate Court.

9. If such an application is filed by the applicant no.1, after filing of the charge sheet, the same shall be decided by the learned Judge, on its

own merits, uninfluenced by the observations made in this application.

10. The Application is partly allowed and disposed of in above terms.

11. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

12. All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**