

Anand

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

BAIL APPLICATION NO. 2343 OF 2017

Sharmila Raghunath Mhatre .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. K. S. Patil, Advocate, for the Applicant

Mr. S. H. Yadav, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 17.11.2017

P.C.

. This is an Application under Section 439 of Cr. P.C. for bail in CR No. 32 of 2017 registered with Mandwa Sagari Police Station, District – Raigad under Sections 306, 494, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. It is the prosecution case that the accused No.1 Anil Mhatre was married with Smt. Asha Mhatre in the year 1992 and out of the said wedlock, they were blessed with one son namely Akshay and one daughter namely Ankita. On the date of incident i. e. 03.07.2017, master Akshay was aged about 20 years and Ms Ankita (deceased) was aged about 18 years. It is further prosecution case that during the subsistence of the first marriage of the accused No.1 Anil Mhatre, he started

co-habiting with the present Applicant in his own house and thereafter they drove away the first informant Smt. Asha Mhatre from her matrimonial house. That accused No.1 Anil Mhatre had retained the custody of children. That the Applicant used to harass and beat Ms Ankita on trivial grounds. That being fed up with the constant harassment at the hands of Applicant and co-accused Anil Mhatre, it is alleged that on 03.07.2017 prior to 12.30 p.m., Ms Ankita committed suicide by hanging in the kitchen of the house of accused No.1 Anil Mhatre. As noted earlier, the first information report is lodged by Smt. Asha Mhatre, the biological mother of deceased Ms Ankita. During the course of investigation, the Applicant came to be arrested on 04.07.2017 and after completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet.

The record indicates that the accused No.1 Anil Mhatre, the biological father of deceased Ms Ankita has been released on bail by the trial Court. Except the fact of an allegation that a month prior to the date of incident, the Applicant had assaulted the deceased with a wooden log on the count that the deceased Ms Ankita did not wash utensils properly, rest of the allegations against accused No.1 Anil Mhatre and the present Applicant are either same or similar. As the accused No.1 Anil Mhatre

has been released on bail by the trial Court, in considered view of this Court, principle of parity squarely applies to the Applicant.

4. In view of the above, the Applicant can be released on bail.

Hence the following Order:

(i) The Applicant be released on bail in CR No. 32 of 2017 registered with Mandwa Sagari Police Station, District – Raigad on her furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

(ii) After his release from the jail, the Applicant shall attend the concerned Police Station every first Monday of the month between 10.00 a.m. to 12.00 noon till conclusion of trial;

(iii) Applicant shall also attend all the dates before the trial Court;

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)