

Anand

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

BAIL APPLICATION NO. 1912 OF 2019

Sangita Krishna Bajage .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Manoj J. Bhatt, Advocate, for the Applicant
Mr. V. V. Gangurde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2019

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. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C. R. No. I-07 of 2019 registered with the Padgha Police Station, Bhiwandi, Thane(Rural), for the alleged offences punishable under Sections 305, 201 r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the prosecution, the Applicant is the step mother of the deceased – Renuka, aged 17 years. It is alleged by the prosecution that the Applicant and the co-accused No. 1- Krishna, father of the deceased were against the relationship of Renuka with a boy and as such, had put restrictions on Renuka's movements. Renuka committed suicide in the intervening night of

19.12.2018 and 20.12.2018 at the residential house at Mouje – Kirawali, Bhiwandi, District – Thane. It is alleged that Renuka left a suicide note holding the Applicant and her father responsible for her suicide. Admittedly, the suicide note is not part of the charge-sheet.

4. Learned APP states that the investigating officer also has not retained a copy of the suicide note, whilst sending the original note to the handwriting expert. Needless to state, that it was the duty of the investigating officer to retain a xerox copy of the suicide note before sending the original to the handwriting expert. It is further alleged by the prosecution that after Renuka committed suicide, the Applicant and the co-accused hurriedly performed her last rites and intentionally destroyed the rope used by Renuka for hanging herself and as such, destroyed the evidence. Whether or not the offence would be one punishable under Section 305 of the Indian Penal Code, is a matter which will be decided by the trial Court. The Applicant has no antecedents. The Applicant is in custody since January, 2019. Investigation is complete and charge-sheet is filed.

5. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 10,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall attend the concerned police station on the **first Saturday of every month** between **10:00 a. m. and 11:00 a. m.** for a period of 12 months from the date of her release;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicant shall attend every date of the trial Court and co-operate with the conduct of the trial;
- (vi) The Applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of her release; cooperate with the conduct of the trial.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(REVATI MOHITE DERE, J.)