

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

CRIMINAL BAIL APPLICATION NO. 3007 OF 2019

Geetadevi Janardhan Upadhyay ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ashok M. Saroogi, Advocate for the Applicant.
Ms. Rutuja Aambekar, A.P.P. for the Respondent-State.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 04th DECEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State.
2. Applicant is seeking enlargement on bail in Crime No. I - 324 of 2019 registered with the Kalwa Police Station, for the alleged offences punishable under Sections 306, 498-A, 323, 504 read with 34 of the Indian Penal Code, 1860 ('IPC' for short).
3. The applicant is mother-in-law of deceased

Manisha, who committed suicide on 03.07.2019. Her brother lodged the complaint whereupon the Crime no.324 of 2019 came to be registered with Kalwa Police Station against the applicant, her two sons, daughter and husband for the alleged offences punishable under Sections 306, 498-A, 323, 504 read with 34 of the IPC.

4. Applicant came to be arrested on 3-5th July, 2019. Charge-sheet has been filed on 02.09.2019.

5. Prosecution has relied on a suicide note and transcript of audio conversation between the deceased and her brother on 02.07.2019 (a day prior to the incident) and dated 03.07.2019 (day of the incident). Prosecution has also relied on a suicide note, sent to the hand-writing expert. Besides, a statement of mother of the deceased recorded under Section 164 of the Criminal Procedure Code, 1973 ('Cr.P.C.' for short) is also relied upon.

6. It is alleged, deceased was physically ill-

treated by the applicant and other accused recurringly and this fact was reported by the deceased to her parents. It is submitted, recurring harassment caused by the applicant and co-accused left deceased with no alternative but to commit suicide.

7. I have gone through the charge-sheet, and particularly transcript of audio conversation between the deceased and her brother; statement of deceased's mother recorded under Section 164 of the Cr.P.C. and a gist of a suicide note, reproduced in the panchanama.

8. The evidence, prima-facie, does not indicate that the applicant intentionally aided and/or abated Manisha, to commit suicide. Whether, the factum of physical harassment allegedly caused by the applicant and others drove Manisha to commit suicide is question fact, to be established in the trial.

9. Even otherwise, statement of mother of deceased, prima-facie, does not inspire the

confidence because she alleged, her grand-son was also assaulted by the accused, however, there is no evidence placed on record in support of this allegation.

10. The investigation in the crime is over. The applicant is permanent resident of Kalwa. The trial is not likely to commence in the near future. Presence of the applicant can be secured by imposing suitable conditions.

11. Application is, therefore ,allowed.

ORDER

(i) The applicant is directed to be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The applicant shall furnish her residential address as well as permanent address and mobile

contact number and/or change of residence or mobile details, if any, to the investigating officer within seven days from his release from the jail;

(iii) The applicant is directed to report to the investigating officer of the concerned police station, on the 15th day of each month including December, 2019 from 10:00 a.m. to 11:00 a.m., till the charge is framed;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vi) If there are two consecutive defaults either

in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail;

12. The application is allowed in the aforesaid terms.

13. 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.

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

(SANDEEP. K. SHINDE, J.)