

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

CRIMINAL BAIL APPLICATION NO. 915 OF 2020

Rohini Santosh Nalkande	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Ajinkya M. Udane a/w. Imtiaz Bijapure for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th MARCH, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 47 of 2019 registered with Ranjangaon MIDC police station, on 01/02/2019, under section 306 of the Indian Penal Code (for short 'IPC'). The applicant was arrested on 20/06/2019 and since then she is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Shri. Ajinkya Udane, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by husband of the applicant about commission of suicide by his daughter from his first wife. The applicant is his third wife. He

has stated that, his daughter was staying with them. She committed suicide on 30/12/2018 at about 8:00p.m. by hanging herself in the kitchen. Initially, no complaint was lodged by him, but after a few days he took his own son in confidence and he came to know that the applicant used to torture the deceased and informant's son. Getting fed up of this torture the deceased committed suicide.

4. Learned counsel for the applicant submitted that, there is gross delay in lodging of F.I.R. He submitted that, if that really was the cause, then the deceased would have immediately complained to her father about the behaviour of the applicant. He also submitted that the informant was residing with his mother in the same house, but no statement of his mother is recorded. She would have been the best witness to throw light on this aspect. He submitted that the neighbour Vimala Bora had given her statement on 03/01/2019 and at that time, she had specifically stated that, she was unable to say as to why the deceased had committed suicide. But surprisingly, in her supplementary statement dated 04/02/2019, she has given her version that the applicant was

torturing the deceased.

5. Learned APP submitted that, there is sufficient material in the charge-sheet in the form of statements of neighbours, as well as, statement of informant's son to show that the deceased was tortured by the applicant.

6. Learned counsel for the applicant submitted that the deceased was staying in a hostel. However, learned APP has rightly pointed out that, from the narration of the F.I.R. it was clear that, since 4 to 5 months prior to suicide the deceased had started residing with her father and the applicant.

7. I have considered these submissions and with the assistance of both the learned counsel, I have perused the charge-sheet. It is true that the neighbour Vimala Bora had not made any allegation against the applicant in her first statement recorded on 03/01/2019, however, on 04/02/2019 she has changed her version and had stated that she had seen the applicant actually torturing the deceased. There are similar statements of other neighbours namely Arif Ali and Prabhavati Korale. Similarly, statement of informant's son aged 12 years has also supported the

prosecution case. Thus, at this stage, there is sufficient material against the present applicant in the form of these statements. However, the fact remains that the applicant is behind bars since 20/06/2019. She is a woman and her further custody for investigation purpose is not necessary. There are no antecedents against her. The trial is not likely to commence and conclude soon. Therefore, on this ground, her case can be considered for bail. The submission that, informant's mother's statement would have thrown light on the actual state of affairs is also a ground which I am taking into consideration while granting bail to the applicant.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 47 of 2019 registered with Ranjangaon MIDC police station, the applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)