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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 986 OF 2020**

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INDRANI PRATIM MUKERJEA

....APPLICANT

V/s.

CENTRAL BUREAU OF INVESTIGATIONRESPONDENTS
AND ANOTHER

Mr. Sana R. Khan for the applicant
Mr. Sandesh Patil a/w Mr. D. P. Singh for respondent no. 1 CBI
Mrs. J. S. Lohokare APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: 16th NOVEMBER, 2021.

P.C.:

1] Applicant is seeking bail in crime number RC12(S)/2015-CBI.SC.I/New Delhi registered with CBI numbered as special sessions case number 117 of 2015. for offence punishable under Sections 120-B, 364, 302, 307, 328, 201, 203, 420, 468, 471 of Indian Penal Code and under Sections 66(A) of the Information Technology Act, 2000.

2] Prosecution case against the applicant is, arrested accused Shyamvar Rai who turned approver along with the applicant and co accused Peter and Sanjeev Khanna hatched criminal conspiracy and murdered Sheena Bora after her abduction.

3] Counsel for the applicant made following submissions :

(A) Applicant has suffered incarceration for last about six years.

(B) Even if the trial has commenced, same is likely to take substantial period and considering the period of incarceration and her health condition she deserves to be released on bail.

(C) Evidence recorded till this date does not pinpoint her involvement in the commission of crime. As such there is hardly any material to infer the likelihood of her getting convicted. That being so she deserves to be released on bail.

(D) It is claimed that applicant, an ailing female deserves her release on a regular bail as she has deep roots in the society and is available for facing the prosecution.

4] Learned counsel for the CBI would oppose the prayer. It is claimed that applicant is prime accused in the commission of crime and there is enough material to infer prima-facie involvement of the applicant in the crime in question. Learned counsel would invite attention of this court to the material on record to prompt this court to infer that applicant does not deserve discretionary relief in her favour.

5] Considered submissions.

6] Applicant is charged with an act of criminal conspiracy, causing disappearance of evidence, furnishing false information in respect of the offence, committing murder of her own daughter after kidnapping with an intention to murder and forgery. Deceased Sheena was in love with Rahul, who is a star witness in the present case. Rahul, is the son of the first wife of accused No. 4 Peter. Initially, applicant was in live-in relationship with Siddharth Das from whom son Mekhail and daughter Sheena was born. Applicant

performed her marriage with Sanjeev Khanna on 29/03/1993 and daughter Vidhi was born out of the said wedlock.

Co-accused Peter Mukerjea was married to Shabnam Singh from whom he was blessed with two sons namely Rahul and Robin. Peter divorced Shabnam in 1994 and married with present applicant on 10/11/2002. It appears that Rahul son of accused No. 4 Peter was in love with deceased Sheena who was born to the applicant out of her live in relationship with Siddharth. Said relationship was not approved by the applicant and as such hatched conspiracy with co-accused and abducted her with intention commit murder and murdered her own daughter Sheena.

7] Statement of witnesses recorded under section 164 of Code of Criminal Procedure consistently named applicant's with direct involvement in the crime in question. Shyamvar Rai accused turned approver has specifically named the applicant of having committed the crime.

8] Even if the trial has commenced, same is likely to take some

time cannot be a ground for release in present case particularly considering the fact that nature of offence alleged to have been committed by the applicant prompts the defence to examine such number of witnesses to prove the guilt of the applicant accused. Even otherwise during pandemic for last about more than one year the trial got delayed for which the cause cannot be attributed to the prosecution side. There is enough material on record to infer prima facie involvement of the applicant in the crime. The trial, I am informed, is proceeding on day-to-day basis.

9] I have perused various orders passed by the Trial Court while rejecting the prayer of the applicant for her release on merits as also on medical grounds. It appears that the prosecution has taken enough precaution and provided best of the medical facilities to the applicant. In the wake of the observations made by the Trial Court in its order, I hardly notice any convincing reason which warrants her release on medical grounds. Apart from above, this Court is in complete agreement with the reasons furnished by the Court below while rejecting the bail on merits. The material in the form of circumstantial evidence very much connects the direct involvement

of the applicant in the crime.

10] As far as the testimony of the approver is concerned and other evidence such as CDR record, same is not required to be gone in to at this stage particularly when the trial is at crucial stage. Important witnesses are yet to be examined and release of the applicant is likely to hamper further prosecution in the trial.

11] The trial court while dealing with the claim of the applicant on merits vide order dated 05/08/2020 has in detail dealt with the claim put forth including that of medical condition. Reasons cited in the said order are germane to the cause for rejection of the bail of which I am in agreement of.

12] In that view of the matter, no case for bail is made out. Application stands rejected.

[NITIN W. SAMBRE, J.]