

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

ANTICIPATORY BAIL APPLICATION NO. 1565 OF 2019

Nilima Anand Thallapully @ Alina Nayar ..Applicant

v/s.

State of Maharashtra . ..Respondent

None for the Applicant.

Ms. P.N.Dabholkar, APP for the Respondent-State.

Mr. Yogesh Patil for the Intervenor

Mr. Jaywant Patil, P.I.Goregaon Police Stn. present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 24th AUGUST, 2021.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending her arrest in Crime No.228 of 2019 registered by Goregaon Police Station, for the offence under Section 306 of Indian Penal Code.

2. Learned Counsel for the Intervenor has opposed the application inter alia on the ground that the Applicant herein was having extra marital relationship with the deceased and that he had committed suicide because the Applicant was threatening to implicate him in false cases.

3. I have perused the records and considered the submissions.

The records prima facie indicate that the son of the first informant had committed suicide on 17.04.2019. The First Information Report prima facie indicates that the deceased was having extra marital affair with the Applicant herein. On 17.04.2019, the deceased had asked the first informant to pay the school fees of his child. The first informant refused to pay the money on the ground that the deceased was squandering his money on the Applicant. It is stated that there was an altercation between them and immediately thereafter the deceased went inside the room, sent a message to his father saying "SORRY" and committed suicide by hanging.

4. Though the FIR and the statements state that the deceased had committed suicide because of mental cruelty meted out to him by the Applicant, the material on record does not prima facie make out a case of abetment within the meaning of Section 107 IPC. The nature of the allegations does not justify custodial interrogation. Considering this aspect, by Order dated 17.07.2019, this Court (Coram : Revati Mohite Dere, J.) had granted interim bail to the Applicant. It is stated that the Applicant has co-operated with the investigation and that the investigation has been completed and that the chargesheet will be filed within one week.

5. Considering the above facts, this application is allowed on the

following terms and conditions:-

- i) In the event of arrest of the Applicant in Crime No. 228 of 2019 Registered with Goregaon Police Station, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- (Rupees Ten Thousand Only) with one or two solvent sureties in the like amount;
 - ii) The Applicant shall not interfere with the witnesses, or tamper with the evidence in any manner;
 - iii) The applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time;
- . Application is accordingly disposed of.

PRASANNA P
SALGAONKAR

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by PRASANNA
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(ANUJA PRABHUDESSAI, J.)