

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

ANTICIPATORY BAIL APPLICATION NO. 667 OF 2021

Kanchan Sharma @ Kanchan

Sandeep Nahar

.... Applicant

v/s.

The State of Maharashtra and anr.

.... Respondents

Mr. Adil Khatri for the Applicant.

Ms. A.A. Takalkar, APP for the State.

Mr. D.T. Tiwari i/b. R.M. Upadhyay for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending her arrest in C.R.No.58/2021 registered with Goregaon Police Station, Mumbai for offences punishable under sections 306 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Adil Khatri, learned counsel for the Applicant, Ms. A.A. Takalkar, learned APP for the State. Mr. D.T. Tiwari, learned counsel who is representing the Respondent No.2 – Intervenor states that he does not wish to advance any submissions. I have perused the records and considered the submissions advanced by the learned counsel for

the respective parties.

3. The Applicant is the wife of deceased Sandeep who committed suicide on 15/02/2021. Vijaykumar Nahar lodged the First Information Report against the Applicant and her mother alleging abetment of suicide. A perusal of the FIR as well as suicide note reveals that the deceased Sandeep and the Applicant were married and were in love with each other and they got married on 13/08/2019 and after they visited their parents, they registered their marriage on 16/07/2020. The FIR as well as suicide note reveals that there was no compatibility between the Applicant and the deceased. There was misunderstanding between the parties resulting in fight. In the suicide note, the deceased Sandeep has stated that they have different personalities which do not match and he was tired of daily fights between them.

4. The FIR as well as suicide note does not prima facie make out the case of abetment under section 107 of the Indian Penal Code. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.58/2021 registered with Goregaon Police Station, she shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days from 22/03/2022 between 11:00 a.m. to 02:00 p.m.

(c) 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.

5. The Application stands disposed of.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

Digitally signed by
PREETI H JAYANI
Date: 2022.03.21
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