

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

ANTICIPATORY BAIL APPLICATION NO. 692 OF 2022

Asha Chandrakant Divate & Ors.

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Virendra Pethe for the Applicant.

Smt. Rutuja Ambekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 15th MARCH, 2022.**

P.C.

1. This is an application for pre-arrest bail, filed by the aforesaid Applicants apprehending their arrest in C.R.No. 113 of 2022 registered with Mumbra Police Station for the offences under Section 306, 504, 506 r/w. 34 of Indian Penal Code.

2. Heard Mr. Pethe, learned Counsel for the Applicant and Smt. Ambekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by one Somesh Shellar. The FIR prima facie reveals that said Somesh Shellar who is a married man was living with deceased Smita Shellar in a room at Om Sai Apartment. Initially, their relationship with the neighbors and other members of the society was cordial. Subsequently,

the relationship between the deceased and the other members of the society, including the Applicant herein got strained. There used to be constant altercations between them and the Applicant and the others were not allowing their children to visit the deceased. It is stated that they used to talk loudly standing in front of the room of the deceased. It is further stated that they were harassing the deceased as to compel her to vacate the room. They had lodged complaints against her, and the society had called for a meeting to take decision on the complaint lodged by the Applicant and others.

4. The allegations in the first information report, in my considered view would not prima facie constitute offence of abetment within the meaning of Section 107 of Indian Penal Code. Considering the nature of the accusation leveled against the Applicants, in my considered view, this is not a fit case for custodial interrogation.

5. Under the circumstances, and in view of the discussion supra, the Application is allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicant in Crime No.I-113 of 2022, of Mumbra Police Station, the Applicant be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicants shall report to the Investigating Officer for four days from 21.03.2022 and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicants shall provide their permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicants shall not change their residential address without prior intimation to the Investigation Officer.

(v) The Applicants shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR Digitally
signed by
PRASANNA P
SALGAONKAR Date:
2022.03.17
11:27:14
+0530

(ANUJA PRABHUDESSAI, J.)