

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1786 OF 2022

Sunita Sharad Choudhari

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sachin H. Deokar, Advocate for applicant.

Mr.Arfan Sait, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th August 2022

PC :

1. The applicant prays for bail in connection with C.R.No.161 of 2018 registered with Malegaon Chhavani Police Station, Nashik for the offences punishable under Sections 302, 328, 201 r/w 34 of Indian Penal Code, 1860.

2. The prosecution case is that on 4th October 2018 PSI Rahul Patil lodged the FIR stating that on 2nd October 2018 information was received from police control room that 17 year old girl has died in suspiciously in Navin Vasti, Mahajan Test House and her relatives are hurriedly performing last rites. The complainant and others proceeded for investigation. It was learnt that the relatives of the deceased are proceeding towards the graveyard to perform funeral of the victim girl. The police proceeded towards the graveyard. Several persons had participated in the funeral. They were stopped by the police and told that post-mortem of the deceased is required to be conducted and thereafter they can perform last rites. At that time father of the girl and cousin Nilesh Choudhari told the police that the victim had died due to heart attack and the relatives had gathered to

perform last rites. They threatened the police that they cannot stop them from performing funeral. They also instigated persons who had joined the funeral. The situation was getting out of control. The complainant gave information to police control room and called for riot control squad. The victim was taken by ambulance to the hospital for post-mortem. ADR No.3 was registered under Section 174 of Cr.P.C. Inquest panchanama was conducted. Nail injuries were noticed on the neck and minor injuries were also noticed on the chin of the deceased. Her tongue was found pressed below her teeth, which resulted in bleeding. Post-mortem was conducted. The cause of death was cardio respiratory arrest due to spinal cord injury due to atlanto-occipital joint however viscera preserved. The police were orally informed that smell of poisons substance can be felt from the stomach of the deceased. There is possibility that she has consumed poisonous substance. Body of the deceased was handed over to relatives for last rites. Information was received from secret informant that the deceased girl was having love affair with one Om Chinchole. The boy was called at police station for enquiry. He stated that the deceased was known to him since last two years. They were in love. Father of the deceased learnt about their affair. She was assaulted. She had left the house. She was convinced by friend to return back to her home. She was not interested in returning home and expressed fear that her father would kill her. On 1st October 2018 the victim had met him for celebrating birthday. Victim died on 2nd October 2018. On enquiry the relatives of the victim gave evasive answers. Their version was inconsistent with the medical opinion.

3. According to the prosecution, the accused had conspired to kill

deceased. The applicant had purchased sleeping pills. The tablets were crushed and mixed in vegetables. The victim consumed food mixed with tablets. She slept in the night. The accused killed her. The father of the victim caught her legs. The applicant caught her hands. Accused Nilesh throttled her by pressing her neck. Her mouth was pressed by pillow. She died.

4. Investigation proceeded. Statement of witnesses were recorded. Incriminating articles were recovered. CCTV footages were recovered. Accused were arrested. Charge sheet was filed.

5. Previous application preferred by applicant viz Bail Application No.1632 of 2019 was rejected on merits by this Court vide order dated 28th February 2020.

6. Learned advocate for applicant submitted that applicant is in custody from 4th October 2018. The charge has not been framed. The prosecution is relying upon recovery of tablets which was effected after five days from the date of incident from outside the house. The victim was taken to doctor after the incident. There is no reason to kill the victim. The applicant is mother of victim. The father and cousin of the victim were granted bail by this Court after the application for bail preferred by applicant was rejected.

7. Learned APP submitted that this is serious offence. The victim was killed by accused. All of them acted in connivance with each other. Role of applicant is clear. The tablets which were used in commission of offences were recovered from applicant. Chemical Analyzer report indicate that similar tablets which were recovered

from the applicant, were consumed by the victim. The previous application was rejected on merits. Trial can be expedited.

8. Undisputedly the applicant is in custody from 4th October 2018. Previous application was rejected on 28th February 2020. Although two years have passed after rejection of previous application for bail, there is no progress in the trial. After the previous application for bail preferred by applicant was rejected, this Court has granted bail to cousin of victim by order dated 29th November 2021 and father of victim vide order dated 11th March 2022. Considering the aforesaid circumstances, further detention of applicant is not necessary,

ORDER

- (i) Criminal Bail Application is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in CR No.161 of 2018 registered with Malegaon Chhavani Police Station, Malegaon on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety;
- (iv) The applicant shall not tamper with prosecution evidence and shall attend Trial Court regularly on dates of hearing, unless exempted by Trial Court;
- (v) The applicant shall report Malegaon Chhavani Police Station once in three months on every first Saturday between 11 am and 1 pm till conclusion of trial;
- (vi) Trial is expedited.

(PRAKASH D. NAIK, J.)