

GRM

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

**ANTICIPATORY BAIL APPLICATION NO. 3326 OF 2022**

SADHANA JAYANT VAIDYA AND ANR. ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

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Mr. Mithilesh Mishra i/by Gopal Bhosale, Adv. for the applicants.

Mr. N. B. Patil, APP for the Respondent-State.

Mr. Sujit Chalke, PSI attached to Mahim Police Station.

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**CORAM : M. S. KARNIK, J.**

**DATE : DECEMBER 7, 2022.**

**P.C. :**

1. Heard learned Counsel for the applicants.
2. This is an application for pre-arrest bail filed by the applicants in connection with the offence punishable under Sections 306 read with 34 of the Indian Penal Code, 1860 registered with Mahim Police Station, Mumbai vide C.R. No. 1137 of 2022.
3. Mrs. Jayashree Sachin Mhatre committed suicide on 24<sup>th</sup> September, 2022. The first informant is the husband of deceased. The FIR was registered on 17<sup>th</sup> October, 2022. From the FIR, it is revealed that prior to seven years,

Jayashree had made an attempt to commit suicide. So far as the allegations in the present FIR are concerned, the said allegations are made against the applicants-Sadhana Jayant Vaidya and Lata @ Anagha Ashok Mhatre. The applicants are distant relatives of the deceased.

4. According to the first informant, the land belonging to Jayashree's mother was sold 10 days prior to her death. An amount of Rs. 10 lakhs, which came to the share of Jayashree was deposited in her account. It is alleged that the applicants were taunting Jayashree towards receipt of such amount. It is further alleged that one Mr. Heramb Dharmadhikari, who was the friend of first informant, was giving her moral support. The applicants taunted Jayashree over her relations with the said Mr. Heramb Dharmadhikari.

5. It is alleged that the applicants used to gossip about Jayashree. The FIR is registered almost three weeks post the incident. There is a written note, which has been recovered, allegedly signed by Jayashree, in which she has stated that the applicants were taunting her and that they would continue taunting her for a life time. The allegations made, in my *prima-facie* view, are not sufficient to constitute an

offence under Section 306 of the Indian Penal Code, 1860 against the applicants. The applicants are residing separately. Seven years prior to the incident, Jayashree had made an attempt to commit suicide. The note mentions that the applicants were taunting her.

6. Taking overall view of the matter, in my opinion, the applicants can be granted pre-arrest bail. The custodial interrogation of applicants is not required. Hence, I pass the following order :-

**ORDER**

1. Anticipatory Bail Application No. 3326 of 2022 is allowed on the following terms :-

a. In the event of arrest of the applicants Sadhana Jayant Vaidya & Lata @ Anagha Ashok Mhatre in connection with C.R. No. 1137 of 2022 registered with Mahim Police Station, Mumbai, they be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) each with one or more sureties in the like amount.

b. The applicants shall report to the investigating officer on 13<sup>th</sup> & 14<sup>th</sup> December, 2022

between 11.00 a.m. & 1.00 p.m. and thereafter as and when called.

2. Anticipatory Bail Application No. 3326 of 2022 stands disposed of accordingly.

**(M. S. KARNIK, J.)**