

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 254 OF 2022

Preeti Jitendrakumar Mehar

...Versus...

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. Abdul Subhan, Advocate for the applicant
Mr. A.R.Chutke, APP for respondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 12/04/2022

1] Heard Mr. Subhan, learned counsel for the applicant and Mr. Chutke, learned APP for respondent/State.

2] The applicant has been arraigned for the offence punishable under Sections 306, 34 of the IPC in Crime No.52/2022. The applicant has been arrested on 17.2.2022 and is in MCR.

3] Mr. Subhan, learned counsel for the applicant submits that the applicant has been implicated only on the basis of a suspicion voiced by one Mandakini Badwaik, sister of the deceased and Dr. Rajni Bisen, the friend of the deceased, who merely voiced the suspicion of the deceased that there was illicit relationship between the applicant and Dharmendra, the husband of the deceased, due to which the

deceased was not being taken proper care of, which has led to the incident of the deceased committing suicide on 16.2.2022 at her marital residence, by hanging herself with a rope. It is submitted that except for the aforesaid two statements, there is nothing on record to indicate the involvement of the applicant in the aforesaid crime. The said two witnesses are interested witnesses, and therefore, the applicant who has been falsely implicated is entitled to bail.

4] Learned APP opposes the application and submits that the statement of Mandakini Badwaik and Dr. Rajni are sufficient to indicate to complicity of the applicant in the suicidal death of the deceased Dipali and therefore, the application be rejected.

5] The deceased Dipali had married one Dharmendra Mehar on 17.10.2021. This was the second marriage of Dharmendra whose first wife had passed away due to Corona, living behind her two children, a son aged 5 years and a daughter, aged 11 years. It was also the second marriage of the deceased, who had been granted a divorce from her earlier husband Girish Harishchandra Malewar, in September, 2021 by the Court at Bhandara. After the marriage, the deceased had been to the matrimonial home to reside with her husband. It is claimed that on 16.2.2022 the deceased committed suicide by hanging herself by a rope in

her bed room in the matrimonial house. There is no suicide note left behind. There are no allegations of earlier complaints regarding any ill-treatment of the deceased at the hands of either the applicant or her husband. The only statements in this regard are of Mandakini Badwaik, the sister of the deceased, who in her statement alleges illicit relations between the applicant and Dharmendra as being the cause for the suicide of the deceased, as on that ground it is claimed that she was being ill-treated. To similar effect is the statement of Dr. Rajni Bisen, the friend of the deceased, both of which are based upon the suspicion voiced by the deceased. As against this, the statement of Tarachand - the husband of the present applicant completely absolves the applicant of the said allegation and no other person whose statement has been recorded even speaks of any dispute between the deceased and her husband as well as the applicant at any point of time whatsoever. The investigation is already complete and as per the statement of learned APP, the charge-sheet would be filed during the course of the day, which would indicate that nothing remains to be done by the Investigating Officer, considering which a prima facie case for bail is made out. Hence following order.

[I] The Application is allowed.

[II] The applicant Preeti Jitendrakumar Mehar, be released on bail for the offence punishable under Sections

306, 34 of the IPC registered vide Crime No.52/2022 with Amgaon Police Station, Dist. Gondia, on her executing PR bond in the sum of Rs.50,000/- with two solvent sureties in the like amount.

[III] The applicant shall not directly or indirectly tamper with the prosecution evidence or try to undue influence the prosecution witnesses in any manner whatsoever.

[IV] The applicant shall attend the trial before the learned Sessions Court on each and every date and shall ensure that the trial is not protracted on her count.

[V] Breach of any of the aforesaid conditions shall result in cancellation of bail.

JUDGE

Rvjalit