

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

ANTICIPATORY BAIL APPLICATION NO.1067 OF 2023

Marjina Sohel Jamadar

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Ritesh Thobde with Mr. Sagar S. Tambe and Mr. Changdeo Shivade
for the Applicant.

Mr. S.V. Gavand, APP for the Respondent -State.

Mr. Sadanand Bansode for the Intervenor.

Mr. Havek Jadhav, PSU, Solapur Taluka Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant apprehending her arrest in C.R. No.1024 of 2022 registered with Solapur Taluka Police Station, District-Solapur, for the offences punishable under Sections 304(b), 377, 323 and 498-A r/w 34 of the IPC.

2. Heard Mr. Ritesh Thobde, learned counsel for the Applicant, Mr. S.V. Gavand, learned APP for the Respondent -State and Mr. Sadanand Bansode, learned counsel for the Intervenor. 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 Shaban Shaikh, father of the deceased Karina. Marriage of the deceased and brother of the Applicant was solemnised on 16/06/2021. The daughter of the First Informant committed suicide on 20/12/2022. The father of the deceased lodged the FIR alleging that husband and the other in-laws had demanded dowry and that they had subjected her to physical and mental cruelty.

4. No role is attributed to the Applicant in the FIR. In the statement recorded under Section 164 of Cr.P.C, father of the deceased had stated that the Applicant was present when he had paid money to the husband and the in-laws of the deceased. The other allegation is that the Applicant, who is a lawyer by profession has obtained signature of the deceased on a blank paper. No accusations were made in the FIR. Even otherwise the Applicant was already married, even prior to the marriage of the deceased and was not residing with the deceased. She was living in her matrimonial home and was not sharing matrimonial home of the deceased. Even if allegations made in the statement under Section 164 of Cr.P.C. are taken on its face value,

mere presence of the Applicant in the house would not prima facie constitute an offence under Sections 498 A or 304 B of the IPC. It is stated that the charge-sheet is already filed.

5. Considering the above facts and circumstances, in my considered view this is not a case, which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.1024 of 2022 registered with Solapur Taluka Police Station, District-Solapur, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.20,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer.
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the

witnesses in any manner.

(iv) 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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)