

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

**BAIL APPLICATION NO. 3486 OF 2022
WITH
INTERIM APPLICATION NO. 678 OF 2023**

Mrs. Bagdibai Jain

..Applicant

VS.

The State of Maharashtra

..Respondent

Ms. Savina Crasto h/f Mr. Sadanand Bansode, for the Applicant.

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

Ms. Mallika Sharma i/b Ms. Anjali Patil, for Intervener.

ASI-Mr. Atmaram T. Kadam, Wadala Police Station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 24, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel for intervener and learned APP.

2. This is an application for bail in respect of C.R.No. 570 of 2022 dated 29/07/2022 registered with Wadala T.T. Police Station for the offence punishable under sections 306, 498A, 34 of the Indian Penal Code, 1860.

3. The FIR is filed by the brother of the deceased. The marriage of the accused no.1 and the deceased took place

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on 21/02/2000. It is alleged that the accused no.1, the present applicant and father-in-law of the deceased were continuously harassing her. There are allegations that the husband had assaulted the deceased with fist blows. By an order dated 05/09/2022, the applicant's husband i.e. father-in-law of the deceased was released on bail. Perusal of the FIR would reveal that the allegations are mainly against the husband of the deceased. Though there are allegations made against the mother-in-law (applicant) of ill-treatment, it needs to be considered that she is a senior citizen of 63 years of age. Since the father-in-law has been released on bail and the accusations levelled against the father-in-law of the deceased as well as the present applicant are some what similar in nature, even the present applicant can be released on bail on the ground of parity. The investigation is complete and the charge-sheet has been filed.

4. Learned counsel for the complainant and learned APP opposed the application. Learned counsel for the complainant submitted that an application for cancellation

of bail granted to the father-in-law of the deceased has already been preferred and therefore adjudication of the present application for bail should await till the application for cancellation for bail is decided. I am not inclined to accept this request. It is made clear that if the orders are passed in respect of the application for cancellation of bail in respect of the father-in-law, liberty is kept open to the complainant to apply for cancellation of bail granted to the present applicant which shall be considered on its own merits.

5. This application therefore deserves to be allowed on the ground that applicant is a woman and since the applicant's husband against whom similar allegations has been levelled and has been released on bail by order dated 05/09/2022 passed by the Sessions Court in Criminal Bail Application No. 2013 of 2022. Hence, the following order.

ORDER

1. Criminal Bail Application No. 3486 of 2022 is hereby allowed.
2. The applicant-Mrs. Bagdibai Jain in connection

with C.R. No. 570 of 2022 dated 29/07/2022 registered with Wadala T.T. Police Station shall be released on bail on her furnishing P.R. bond in the sum of Rs.25,000/- with one or two solvent surety/ies in the like amount, on the following conditions:

- a) Applicant shall attend concerned police station as and when called by the investigating officer.
- b) Applicant shall not tamper with the evidence.
- c) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.
- d) Applicant shall not leave India without permission of this Court.
- e) Applicant shall remain present before the Court on each and every date till the completion of trial in the matter.
- f) Applicant shall not commit similar type of offence in future.
- g) Applicant shall furnish her permanent address and temporary address, if any, and her contact details to the concerned Court.

h) Applicant shall not change her residential address without prior intimation to the investigating officer and to the concerned Court.

i) If the applicant disobeyed any of the above conditions, the prosecution is at liberty to move the Court for cancellation of bail.

6. The bail application is disposed of. The interim application also stands disposed of.

(M. S. KARNIK, J.)