

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

ANTICIPATORY BAIL APPLICATION NO. 1026 OF 2023

1. Priyanka Jeetendra Mothkuri
2. Bhagyashree Mahendra Mothkuri ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Prakash Wagh for the Applicant.
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 10th APRIL, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No.115 of 2023 registered with MIDC Police Station for offences under Section 304 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. 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 Sapna Mothkuri, widow of Ravikumar Mothkuri. A perusal of the FIR prima facie reveals that there was a dispute between Ravi Kumar and his two brothers Mahendra and Jeetendra in respect of the flat. The records further indicate that the father-in-law as well as the said brothers

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had filed a Civil Suit (S.C. Suit No. 2452 of 2011) against the first informant and her deceased husband, to restrain them from disturbing their possession in respect of flat D-4-03, Green Fields Rocks End Co-op. Hsg. Soc. Ltd., Jogeshwari Vikhroli Link Road, Andheri (East). It appears that the matter was listed for judgment. There was an altercation between the husband of the first informant and his brothers Mahendra and Jeetendra. It is stated that said Mahendra and Jeetendra had informed the deceased that they would not allow them to reside in the flat even if the order of the court was in his favour. There was scuffle between them, and in the process one of the brother pushed deceased Ravindra, and he fell unconscious.

4. The Applicants herein are the sisters-in-law of the first informant. The only allegation against them is that they had recorded the said incident on their mobile. The records prima facie indicate that there were no external injuries on the body of the deceased. Learned APP states that the medical report as regards cause of death is still awaited. Considering this fact, and particularly the role attributed to the Applicants, 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 Applicants- Priyanka Jeetendra

Mothkuri and Bhagyashree Mahendra Mothkuri in Crime No.C.R.No.115 of 2023 registered with MIDC Police Station, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;

(ii) The Applicants shall report to the Investigating Officer for two days on 13th and 14th April,2023 from 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer.

(iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)