

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

BAIL APPLICATION NO. 3293 OF 2021

Sandra Bruce Rozario

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Sana Raees Khan a/w Adv. Radhika Mundada for the Applicant.

Ms. A. A. Takalkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 22, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant- Sandra Bruce Rozario in connection with C.R. No.616 of 2020 dated 08/08/2020, registered with MHB Colony Police Station, under sections 306, 384, 506 read with 34 of the Indian Penal Code, 1860.

3. The First Information Report (FIR) is dated 08/08/2020. The wife of the complainant committed suicide on 20/02/2020. The applicant came to be arrested on

01/02/2021. The applicant is in custody for almost 2 years. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant.

4. According to the complainant, the applicant filed a false complaint against his wife who is now deceased. A sum of Rs.3,00,000/- was demanded by the applicant from the wife of the complainant for withdrawing the allegations. It is due to this harassment, the wife of the complainant committed suicide.

5. Learned APP vehemently opposed the application. She submitted that as the charge is now framed, the trial can proceed. She prayed for rejection of the bail application.

6. There is an unexplained delay of 6 months in registering the FIR. The allegation is that the applicant abetted the commission of suicide. Since the charge-sheet is filed and the investigation is complete, the charge of abetment of suicide will now be the subject matter for the trial Court to consider. Though the charge is framed, the trial is likely to take a long time to conclude. Further incarceration of the applicant who is a woman having no

criminal antecedents is not required. The applicant will face the consequence of the trial, but she should not be detained by way of a pre-trial punishment. No criminal antecedents are reported against her. Hence, the following order.

ORDER

(a) Applicant- Sandra Bruce Rozario in connection with C.R. No.616 of 2020, registered with MHB Colony Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount;

(b) The applicant is permitted to furnish temporary cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety;

(c) The applicant shall regularly attend the trial Court on the dates fixed;

(d) The 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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence;

(e) The applicant shall report to the concerned police station as and when called;

(f) On being released on bail, the applicant

shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change;

(g) The applicant shall not enter the jurisdiction of the police station in which the complainant is residing till further orders.

7. The application stands disposed of.

(M. S. KARNIK, J.)