

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3477 OF 2022**

Kajal Uday Gangurde ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Rahul Kate instructed by Mr. Suresh Sabrad for the Applicant.

Mr. Amit Palkar, APP for the State.

PN N.S. Sangale, Niphad Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 13 JANUARY 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending her arrest in Crime No. 215 of 2022 registered at Niphad Police Station, Nashik for the offence punishable under Sections 302, 307, 309 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The learned counsel for the applicant submits that the husband of the applicant was having extra-marital affair. It is submitted

that the husband of the applicant was thus harassing her physically and mentally. The learned counsel for the applicant submits that due to said harassment the applicant on 28 August 2022 took drastic step of jumping from Kadwa river bridge into the river water with her two sons aged about 5 years and 2 years with a view to commit suicide. It is submitted that though the villagers had fished them out of the river water, however, unfortunately one of the sons could not survive.

5. No mother would take such a drastic step unless she is compelled by the circumstances to do so. I am therefore, inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant - Kajal Uday Gangurde in Crime No. 215 of 2022 registered at Niphad Police Station, Nashik for the offence punishable under Sections 302, 307, 309 of Indian Penal Code, she shall be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
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