

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

ANTICIPATORY BAIL APPLICATION NO. 678 OF 2024

Archana Mahesh Sharma

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Uday Nighot a/w. Mr. Akhilesh Singh i/b. Ms. Neetu Singh, for the Applicant.

Ms. S. S. Kaushik, APP, for the Respondent – State.

Mr. Narayan Awate, for the Intervenor

Ms. M. K. Varhadi, PSI-NRI Coastal Police Station, Navi Mumbai, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 08.05.2024

P. C.

1. Heard Mr. Uday Nighot, learned Counsel for the Applicant, Ms. Kaushik, learned APP for the Respondent-State and Mr. Awate, learned Counsel for the Intervenor.

2. The Applicant, who is Accused No.4 is seeking Anticipatory Bail in connection with C. R. No.4 of 2024 registered with the N.R.I. Coastal Police Station, Navi Mumbai for the offences punishable under Sections 323, and 304B r/w. 34 of the *Indian Penal Code, 1860*.

3. As per the prosecution case, there are in all 4 Accused. Accused No.1 – Jitendra is the husband of the deceased. Accused Nos.2 & 3 are in-laws of the deceased and the present Applicant i.e. Accused No.4 is the sister-in-law of the deceased. The marriage between

Accused No.1 and the deceased was solemnised on 02.05.2022. Earlier, the Applicant got married on 18.02.2022. As per the prosecution case, after the marriage, the deceased gave birth to a girl child on 01.06.2023 because of which her husband, mother-in-law and the present Applicant i.e. sister-in-law started harassing her and also started demanding a car and refrigerator etc. The main allegation against the Applicant is that she was instigating her brother to harrass the deceased. The deceased died by suicide on 03.01.2024. Before her death, she recorded a video wherein she specifically stated that the present Applicant is instigating her husband to harrass her.

4. It is the contention of Mr. Nighot, learned Counsel for the Applicant that the Applicant is a young woman aged 25 years and has a son aged 11 months. He submitted that the Applicant's marriage was solemnised prior to the marriage of the deceased and since her wedding, the Applicant had been residing at Gwalior, Madhya Pradesh. He submitted that the Applicant used to come to her parents house on very few occassions and that she is not involved in the offence in question. In any case, he submitted that custodial interrogation of the Applicant is not necessary.

5. On the other hand, Ms. Kaushik, learned APP for Respondent No.1 – State and Mr. Awate, learned Counsel for the Intervenor vehemently opposed the Anticipatory Bail Application and submitted that the Informant i.e. father of the Deceased has pointed out various

statements including the statement of brother of the Deceased - Mr. Manish Ashok Sharma dated 20.02.2024 (Page No.106), wherein it is stated that after discharge of the Deceased from the hospital, she gave birth to a girl child. The Applicant used to harass the Deceased by taunting her, as at the time of her wedding, the family of the Deceased had not given a car and an air conditioner as a gift to the Accused No.1 i.e. husband of the Deceased. The said statement further shows that the main allegation against the Applicant is that the Applicant used to call her brother i.e. Accused No.1 and instigate him to harass the Deceased.

6. Ms. Kaushik, learned APP for Respondent – State submitted that the Charge-sheet has already been filed against other Accused and insofar as the present Applicant, she has been shown as absconding therein.

7. In any case, a perusal of the record shows that investigation is almost complete. The Charge-sheet has been filed against Accused Nos.1 to 3. The Applicant is a young woman aged 25 years. The Applicant is the mother of a child aged 11 months.

8. In the facts and circumstances of this case, custodial interrogation of the Applicant is not necessary.

9. In view thereof, the following order:

ORDER

(a) In the event of arrest of the Applicant - Archana Mahesh Sharma in connection with C. R. No.4 of 2024

registered with the N.R.I. Coastal Police Station, Navi Mumbai for the offences punishable under Sections 323, 304B r/w. 34 of the Indian Penal Code, 1860, the Applicant be released on bail on her furnishing P R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the concerned police station on 27.05.2024 between 11.00 a.m. and 1.00 p.m. and thereafter, as and when called for by the Investigating officer.

10. The Anticipatory Bail Application stands disposed of.

[MADHAV J. JAMDAR, J.]