

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

BAIL APPLICATION NO.1132 OF 2024

Shital Ashok Khairnar

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Prashant D. Patil, Advocate, for the Applicant.
Mr. P. H. Gaikwad, APP, for the Respondent – State.
Mr. B. J. Aher, H.C. B.No. 828, Malegaon Chawni Police Station,
Malegaon, District – Nashik, present.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 20.03.2024**

P. C.

1. Heard Mr. Patil, learned Counsel for the Applicant and Mr. Gaikwad, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	64 of 2024
2.	Date of registration of F.I.R.	24.02.2024
3.	Name of Police Station	Malegaon Chawni, Malegaon
4.	Section/s invoked	306, 506 r/w 34 of the I.P.C., 1860
5.	Date of incident	23.02.2024
6.	Date of arrest	24.02.2024

3. As per the prosecution case, Accused No.1 – Sunanda Bhadane was instigating the deceased to keep relations with her and the Applicant has helped the Accused No.1, and therefore, the deceased committed suicide.

4. Mr. Patil, learned Counsel for the Applicant submitted that the role which is attributed to the Applicant is that the Applicant instigated the Accused No.1 to harass the deceased and the deceased died by suicide. He submitted that the deceased left a suicide note. However, in the said suicide note, although, name of the Applicant is mentioned at the fag end, no allegation is made against the Applicant. In any case, he submitted that the allegation against the Applicant is that the Applicant and other Accused instigated the Accused No.1 to help the Accused No.1 to keep sexual relations with the Applicant. He submitted that the Applicant is a 31 years old house wife. She is having school going children, one is studying in 7th Std. and another is studying in 8th Std. He submitted that her father-in-law is 85 years old and mother-in-law is 80 years old.

5. On the other hand, Mr. Gaikwad, learned APP appearing for the Respondent – State strongly opposed the Bail Application. He submitted that the name of the Applicant is mentioned in the suicide note. He submitted that the Applicant has assaulted the deceased with footwear.

6. A perusal of the record shows that although name of the Applicant is mentioned at the fag end of the suicide note, however, no role is attributed to the Applicant. The statement of Mr. D. S. Mankar, as pointed by Mr. Gaikwad, learned APP appearing for the Respondent – State mentions that the present Applicant assaulted the

deceased with footwear. However, no particulars are mentioned about the same. In fact, the said statement shows that all these women were questioning the deceased as to why he was harrasing the Accused No.1 – Sunanda.

7. In any case, the offences are punishable under Sections 306, 506 r/w 34 of the *Indian Penal Code, 1860*. *Prima facie*, there is substance in the contention of the learned Counsel for the Applicant that no specific role is attributed to the Applicant. The Applicant is a woman aged 31 years. She is having school going children, one is in 7th Std and another is in 8th Std. Her father-in-law is 85 years old and her mother-in-law is 80 years old.

8. The trial is likely to take a considerably long time.

9. The Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

ORDER

(a) The Applicant - Shital Ashok Khairnar be released on bail in connection with C.R. No.64 of 2024 registered with the Malegaon Chawni Police Station, Malegaon, Nashik (Rural) on her furnishing P.R. Bond of Rs.10,000/- with one or two local sureties in the like amount.

(b) On being released on bail, the Applicant shall

furnish her cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Malegaon Chawni Police Station, Malegaon as and when required.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender her passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]