

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1241 OF 2024

Sangeeta Balu Mahale

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH
INTERIM APPLICATION NO. 1567 OF 2024
IN
CRIMINAL BAIL APPLICATION NO. 1241 OF 2024

Ujwala Santosh Gadhve

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep U. Nikam a/w Ms. Prerna K. Nikam and Mr. Om N. Latpate
& Mr. Samadhan Ghumare Advocates, for the Applicant.
Mr. Sameer M. Mangaonkar, APP, for Respondent-State.
Mr. Vivekanand V. Krishnan for Intervenor.

CORAM: MADHAV J. JAMDAR, J.

DATED: 17th April 2024

P. C.

1. Heard Mr. Kuldeep Nikam, learned Counsel for the Applicant, Mr. Mangaonkar, learned APP for the Respondent-State and Mr. Vivekanand Krishnan, learned Counsel for the Intervenor.

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.	287 of 2023
2.	Date of registration of F.I.R.	4 th November 2023
3.	Name of Police Station	Trimbakeshwar, District-Nashik
4.	Section/s invoked	304(B), 306, 498A, 506 r/w 34 of <i>I.P.C., 1860</i> ;
5.	Date of incident	3 rd November 2023
6.	Date of arrest	5 th November 2023
7.	Date of filing Charge-sheet	28 th December 2023

3. The Applicant is the mother-in-law of the deceased. As per the prosecution case, the deceased and her sister Vandana have married two brothers respectively namely Ganesh Balu Mahale (Accused No.1) and Samadhan Balu Mahale (Accused No.3). The present Applicant-Sangita is Accused No.2 and is the mother of said Ganesh and Samadhan. The deceased and Vandana are the daughters of Applicant's brother. The marriages between these two sisters with the sons of the Applicant were solemnized on 25th June 2023. On 3rd November 2023, the incident in question took place where the deceased died by suicide.

4. It is the prosecution case that both the deceased and her sister were harassed and therefore the deceased died by suicide.

5. Mr. Nikam, learned Counsel for the Applicant submitted that there are total 4 Accused. Accused Nos.1 and 3 are sons of the present Applicant and Accused No.4 is the husband of the present Applicant. He submitted that except the present Applicant, all other accused persons

have been granted bail by the learned Trial Court. He submitted that the Applicant is a woman aged 51 years. Investigation is completed and the Charge-sheet is filed. He therefore, submitted that the Bail Application be granted.

6. Mr. Mangaonkar, learned APP vehemently opposed the Bail Application and stated that the material on record shows that the Applicant is involved in the offence in question. He submitted that although the other Accused have been released on bail, the main role has been attributed to the present Applicant and therefore Bail Application be rejected.

7. Mr. Krishnan, learned Counsel for the Intervenor pointed out the Roznama dated 30th March 2024 maintained by the learned Trial Court. As per the said Roznama, Accused Nos.1, 3, and 4 were absent and therefore warrants were issued against them. He therefore submitted that the Accused who have been released on bail are not co-operating with the learned Trial Court and therefore the Bail Application be rejected.

8. Perusal of the record shows that the incident in question took place on 3rd November 2023, F.I.R. was lodged on 4th November 2023. the Applicant was arrested on 5th November 2023 and the Charge-sheet was filed on 28th December 2023. Thus, investigation is completed. The trial will take considerable time.

9. There are 4 Accused persons. Except for the present Applicant, others have been released on bail by the learned Trial Court. The Applicant is a 51 years old woman. There are no other antecedents. Therefore, by imposing the conditions, the Applicant can be released on bail.
10. Insofar as the contention of Mr. Krishnan, learned Counsel for the Intervenor that the Accused who have been granted bail are not appearing in the Trial Court and are not co-operating with the learned Trial Court, the Intervenor is at liberty to take appropriate proceedings including for cancellation of bail.
11. The Applicant does not appear to be at risk of flight.
12. The Applicant does not have any criminal antecedents.
13. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
14. In view thereof, the following order:-

ORDER

- (a) The Applicant – Sangeeta Balu Mahale be released on bail in connection with C. R. No.287 of 2023 registered with the Trimbakeshwar Police Station, District - Nashik on her furnishing P. R. Bond of Rs.25,000/- with one or two local solvent 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 Trimbakeshwar Police Station, District - Nashik as and when necessary.

(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 prosecution 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.

15. The Bail Application is disposed of accordingly.

16. In view of the disposal of the Bail Application, nothing survives in the Interim Application and the same is also disposed of.

17. It is clarified that 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.]