

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

BAIL APPLICATION NO. 1883 OF 2024

Rajkumar Kevalprasad Mehta

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Tapan Thatte a/w. Mr. Mohammed S. Mulla & Mr. Zahir Mulla,
for the Applicant.

Ms. Savita M. Yadav, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 30.04.2024

P. C.

1. Heard Mr. Thatte, learned Counsel for the Applicant and Ms. Yadav, 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.	551 of 2021
2.	Date of registration of F.I.R.	03.10.2021
3.	Name of Police Station	Panvel City
4.	Sections invoked	302, 328, 109 r/w. 34 of I.P.C., 1860
5.	Date of incident	03.10.2021
6.	Date of arrest	05.10.2021
7.	Date of filing of Charge-sheet	January, 2022

3. The Applicant is Accused No.2. Accused No.1-Saritadevi Mahendrakumar Mehta is the sister of the wife of the present

Applicant. As per the prosecution case, Accused Nos.1 & 2 are involved in a relationship outside of marriage. Accused No.1 insisted her husband-Mahendrakumar Shambhu Mehta to come with her and on one or another pretext she brought him to Mumbai. It is the case of the prosecution that the present Applicant-Accused No.2 had assured the Accused No.1 that he would marry her. However, thereafter, he refused to marry. Therefore, some dispute was going on between them. At that time, both of them decided to consume poison. It is the prosecution case that Accused No.1 made her 2 years old child consume poison and then she also consumed poison. In fact, the present Applicant also consumed poison. In the said incident, the child of the Accused No.1 died. The present Applicant i.e. Accused No.2 and Accused No.1 both survived the attempt to die by suicide.

4. It is the contention of Mr. Thatte, learned Counsel for the Applicant that the case is of circumstantial evidence. Accused No.1 - Saritadevi Mahendrakumar Mehta has been granted bail by Order dated 17.08.2023 by the learned Additional Sessions Judge, Panvel, Navi Mumbai passed below Exh. 09 in Sessions Case No. 18 of 2023. He submitted that there are no antecedents.

5. On the other hand, Ms. Yadav, learned APP vehemently opposed the Bail Application. She submitted that it is the Applicant who has taken a major part in the offence in question. She pointed out the statement of Accused No.1 - Saritadevi Mahendrakumar Mehta (Page No. 91) as well as the statement of Mahendrakumar

Shambhu Mehta (Page No. 72). Therefore, she prayed that the Bail Application be rejected.

6. A perusal of the record shows that the incident in question has taken place on 03.10.2021. The offence was registered on the very day and the Applicant was apprehended on 05.10.2021. The Charge-sheet was filed in January 2022. As per the Charge-sheet, there are about 17 witnesses proposed to be examined by the prosecution. Till date, there is no progress in the trial and even the charge is also not framed yet.

7. The co-Accused i.e. Accused No.1 who has been attributed with a similar role, has been granted bail by the learned Additional Sessions Judge, Panvel, Navi Mumbai passed below Exh. 09 in Sessions Case No. 18 of 2023.

8. The trial is unlikely to conclude any time soon and 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 - Rajkumar Kevalprasad Mehta be released on bail in connection with C. R. No.551 of 2021 registered with the Panvel City Police Station, Navi Mumbai

on his 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 his 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 Panvel City Police Station, Navi Mumbai once a week on Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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 his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its

merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]