

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.190 OF 2023

Tanya Nitin Sharma w/o. Nitin Sharma
d/o. Sudhir Avasthi ...Applicant

vs.

The State of Maharashtra and Ors. ...Respondents

Mr. Akshay Dunde, for the Applicant.

Mr. Tanveer Khan, APP, for the Respondent/State.

Mr. Aslam Khan i/b. Ms. Hemakshi Gandhi, for Respondent Nos. 2 and 3.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 15, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned counsel for respondent No. 2
2. An affidavit in reply is filed on behalf of respondent No. 2.
3. The learned counsel for the applicant seeks leave to file an additional affidavit in support of the application.
4. Leave granted.
5. Additional affidavit is taken on record.
6. By an order dated 16th June, 2023, the learned Additional Session Judge, Belapur, Navi Mumbai was persuaded to grant pre-arrest bail to the applicant. The Court is informed, in the intervening period, post completion of investigation, charge-sheet has been lodged.
7. The learned counsel for the applicant submitted that the

investigation is defective and the investigating officer has annexed the statement of a witnesses to the report under section 173 of the Code, who has disowned the same. It was submitted that the applicant has been tampering with the evidence.

8. I have perused the order passed by the learned Additional Session Judge.

9. The marriage of the applicant was solemnized with respondent No. 2 on 8th August, 2022. This was the second marriage of both the applicant and respondent No. 2. It seems immediately after the marriage, there was marital discord between the parties. Genesis of the alleged offences is in the matrimonial dispute between the parties. In the backdrop of the nature of the accusations, the learned Additional Session Judge has correctly exercised the discretion to grant pre-arrest bail.

10. In any event, at this stage, when the charge sheet has been lodged and investigation is complete for all intent and purpose, there is no propriety in entertaining this application for cancellation of pre-arrest bail. So far as the allegations of defective investigation, the applicant is at liberty to work out her remedies as available in law.

Application disposed.

(N. J. JAMADAR, J.)