

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

CRIMINAL BAIL APPLICATION NO. 3046 OF 2023

Mayuri Ramesh Shettiyar
V/S

....APPLICANT

State Of Maharashtra

....RESPONDENT

Mr. Noorseema Baig i/b. Mr. Khatib Sameer for the Applicant.
Mr. Y. M. Nakhwa, APP for the Respondent-State.
Kshirsagar, PSI, Shivari police station, present.

CORAM : N. J. JAMADAR, J.

DATE : 29th JANUARY, 2024

P.C.:

1. Heard the learned Counsel for the Applicant and the learned APP for the State.
2. This is an application for bail in connection with CR 33 of 2023, registered with Sewree Police Station, Mumbai for the offences punishable u/s. 307, 323 & 504 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant claimed to be in a relationship outside marriage with the husband of the Applicant. On account of the said relationship, the relations between the first informant and the Applicant were strained. On 26th March, 2023, it appears, a quarrel took place as the husband of the Applicant had visited the house of the first informant. The first informant had reported the matter to the

police.

4. While the police arrived at the scene of occurrence and the first informant was about to point out the person who had allegedly assaulted her, the Applicant assaulted the first informant by means of a sharp object. The Applicant was apprehended by the police, who had come to the scene of the occurrence.

5. Learned Counsel for the Applicant submitted that the genesis of the offences is in the dispute over the relationship of the first informant with the husband of the Applicant, though the marriage of the first informant is still intact. Learned Counsel for the Applicant submitted that the injuries sustained by the first information were simple in nature. In the backdrop of the circumstances, in which the alleged offences were committed, the Applicant deserves to be released on bail.

6. Learned APP resisted the prayer for bail. It was submitted that the Applicant had assaulted the first informant in the presence of the police personnel and there are witnesses, who have given a vivid account of the assault perpetrated by Applicant. Therefore, the Applicant does not deserve to be released on bail.

7. *Prima facie*, the genesis of the offences seems to be in the dispute between the parties over the alleged relationship outside the marriage between the first informant and the husband of the

Applicant. It seems that on the night of the occurrence, there was some provocation as the husband of the Applicant had visited the first informant. The injuries which the first informant had sustained, *prima facie*, do not appear to be life threatening.

8. The Applicant is a woman. She is in custody since March, 2023. It is unlikely that the trial can be completed within a reasonable time. I am, therefore, inclined to exercise the discretion in favour of the applicant. The apprehension on the part of the prosecution can be taken care of by imposing conditions.

9. Hence, the following order.

:: O R D E R ::

- (i) The Application stand allowed.
- (ii) The Applicant Mayuri Ramesh Shettiyar be released on bail in CR No. 33 of 2023 registered with Sewree Police Station, on furnishing a P. R. Bond of Rs.30,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall mark her presence at the Sewree police station on the first Monday of every alternate month in between 10.00 am. to 12.00 noon for the period of three years or till conclusion of the trial, whichever is earlier.
- (iv) The Applicant shall not tamper with the prosecution evidence and give threat or inducement to the first informant,

any of the prosecution witnesses or any person acquainted with the facts of the case.

(v) On being released on bail, the Applicant shall furnish her contact number and residential address to the investigating officer and shall keep him/her updated, in case there is any change.

(vi) The Applicant shall stay away from Sion and Sewree Police Station for the period of three years or till the conclusion of the trial, whichever is earlier save and except for attending the Police Station on the scheduled date.

(vii) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application stands disposed.

(N. J. JAMADAR, J.)