

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

BAIL APPLICATION NO. 2323 OF 2024

1. Mahesh Sharma
 2. Saroj Mahesh Sharma
- .Applicants

Versus

The State of Maharashtra

.Respondent

Mr. Uday Nighot a/w. Mr. Akhilesh Singh i/b. Ms. Neetu Singh,
Advocates, for the Applicants.

Mr. S. R. Agarkar, APP, for the Respondent – State.

Mr. Somnath Y. Madne, PSI - NRI Sagri Police Station, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 24.06.2024

P. C.:

1. Heard Mr. Nighot, learned Counsel for the Applicant and Mr. Agarkar, 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.	4 of 2024
2.	Date of registration of F.I.R.	05.01.2024
3.	Name of Police Station	N.R.I.Coastal
4.	Sections invoked	304-B, 323 r/w 34 of I.P.C., 1860
5.	Date of incident	03.01.2024
6.	Date of arrest	21.01.2024
7.	Date of filing of Charge-sheet	01.04.2024

3. As per the prosecution case, there are in all four Accused. Accused No.1 – Jitendra is the husband of the deceased. The present

Applicants i.e. Accused Nos.2 and 3 are in-laws of the deceased. Accused No.4 is the sister-in-law of the deceased.

4. The marriage between Accused No.1 and the deceased was solemnised on 02.05.2022. The deceased gave birth to a girl child on 01.06.2023. As per the prosecution case, after birth of the said girl child, the deceased was subjected to tremendous harassment as a result of which she died by suicide on 03.01.2023.

5. It is the contention of Mr. Nighot, learned Counsel for the Applicants i.e. in-laws of the deceased that the deceased was residing with her husband i.e. Accused No.1 – Jitendra at Navi Mumbai and the present Applicants were residing at Gwalior, Madhya Pradesh. He submitted that when the incident in question took place, the deceased was residing with Accused No.1 and the present Applicants i.e. in-laws were residing at Gwalior. He therefore submitted that there is no connection between the conduct of the Applicants at the relevant time of the incident when the deceased died by suicide.

6. On the other hand, Mr. Agarkar, learned APP vehemently opposed the Bail Application. He pointed out the statement of the Informant dated 05.01.2024 at page Nos.41 to 43 on the basis of which the F.I.R. was lodged. The said statement mentions about the harassment of the deceased.

7. In any case, it is an admitted position that from November 2023 the deceased was residing at Navi Mumbai and the incident in question took place on 31.01.2024. Admittedly, the investigation is

completed and the Charge-sheet has already been filed on 01.04.2024.

8. The Applicant No. 1 is of 55 years and Applicant No. 2 is of 50 years.

9. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

10. The Applicants do not have any criminal antecedents.

11. The Applicants do not appear to be at risk of flight.

12. Accordingly, the Applicants can be enlarged on bail by imposing conditions.

13. In view thereof, the following order:

ORDER

(a) The Applicants - Mahesh Sharma and Saroj Mahesh Sharma be released on bail in connection with C.R. No.4 of 2024 registered with the N.R.I. Coastal Police Station on their furnishing P.R. Bond of Rs.25,000/- each with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicants shall furnish their cell phone numbers and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicants shall report to the N.R.I. Coastal Police Station as and when called for by the Investigating officer.

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

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

(g) The Applicants shall surrender their passports, if any, to the Investigating Officer.

14. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]