

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3596 OF 2024

Vandana Santosh Prasad .. Applicant
Versus
The State Of Maharashtra .. Respondent

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- Mr. Chetan S. Damre a/w Mr. Anil D. Yadav, Advocates for Applicant.
 - Ms. R.V. Newton, APP for State.
 - Mr. Ganesh Lokare, PI, Gorai Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 06, 2025

P. C.:

1. Heard Mr. Damre, learned Advocate for Applicant and Ms. Newton, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 0007 of 2024 registered with Gorai Police Station for the offences punishable under Sections 306 and 323 of the Indian Penal Code, 1860. Applicant before me is a 39 year old woman having two children aged about 10 and 11 years.

3. FIR is filed by the First Informant who is sister of the deceased – victim. Deceased - victim was 21 years old. The First Informant and the deceased victim together befriended the Applicant at a place called Dominic Resort. The First Informant was looking for

some work when she landed up at Dominic Resort 4 years ago. Applicant was working in the same resort. The director/partner of the said resort called Ms. Savina offered to help the First Informant and hired her for work in Dominic Resort; Applicant befriended the deceased – victim at that time. Applicant started liking him and the deceased victim also responded to it affirmatively and within no time he started residing with the Applicant in her house, which is borne out from the statements of various witnesses which have been recorded by the Investigating Officer.

4. On the fateful date i.e. on 14.03.2024 at about 10.30 am in the morning the deceased – victim committed suicide inside Applicant's house, when he was alone. The statements which are recorded state that at about 09:00 am in the morning Applicant was seen to be present with the deceased – victim in her own house and thereafter Applicant left for her work in Dominic Resort. After the incident was noticed Applicant took the deceased – victim to the hospital. Admittedly, no suicide note is found. Statements of various witnesses recorded by the prosecution clearly show that Applicant and the deceased – victim were in a consensual relationship over a period of around 3 to 4 years despite the age difference between them. On reading the FIR it is *prima facie* seen that principal reason stated by the First Informant is the mental torture and harassment meted out to

the deceased – victim by the Applicant. In this regard there is no material placed on record save and except the said statement in the FIR neither the statements of any of the witnesses which have been recorded throw any light upon this fact that the deceased – victim was mentally tortured by the Applicant. On the contrary, it is seen that the statements fortify the fact that the Applicant and the deceased – victim were in a consensual relationship and living together. FIR is lodged 10 hours after the happening of the incident. The First Informant was clearly knowledgeable of the relationship between Applicant and the deceased – victim. Any attribute towards motive of mental torture or harassment is *prima facie* not borne out from the record for considering the case of the prosecution to deny liberty to the Applicant before me.

5. Needless to state that the trial will ultimately decided and prove the role and complicity of the Applicant in the crime in accordance with law.

6. In view of the above observations, Application is allowed subject to the following terms and conditions:-

- (i)** Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

- (ii)** Applicant shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 am to 12:00 pm for the first three months and thereafter as and when called;
- (iii)** Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if she does so, it will entitle the prosecution to apply for cancellation of this order;
- (iv)** Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (v)** Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;
- (vi)** Applicant shall keep the Investigating Officer informed of her current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;
- (vii)** Any infraction of the above conditions shall entail cancellation of this order.

7. It is clarified that the observations in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case.

8. In view of the above directions, Bail Application stands allowed and disposed.

ER. Rajput

[MILIND N. JADHAV, J.]