

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.5267 OF 2024

Sangita Sandeep Mengane

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Raju Suryawanshi, Advocate for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent – State of Maharashtra.
- Mr. Abhijit Patil, API, Manpada Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 28, 2025

P.C.:

1. Heard Mr. Suryawanshi, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent – State of Maharashtra.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) seeking Bail in connection with C.R. No.671 of 2024 registered with Manpada Police Station registered under Section 302 of Indian Penal Code, 1860 (for short ‘IPC’).

3. Briefly stated according to the prosecution the parties in the present case are all close relatives. Applicant is the sister-in-law of deceased Sagar Mengane. Husband of Applicant namely Sandeep Mengane is brother of deceased Sagar Mengane. Complainant is wife of Sagar Mengane. There is precursor to the incident which happened namely that mother of deceased made a phone call to victim – Sagar

Mengane and informed him to give meals to Sandeep Mengane. Both Sagar and Sandeep stayed on the same floor alongwith their wives but in different rooms. Sagar Mengane and Complainant had one son called Pranav whereas Sandeep Mengane and Applicant despite married for several years did not have any issue.

4. On the date of incident at about 03:30 p.m., Sagar Mengane went to the room of the Sandeep Mengane and Applicant to question the Applicant as to why she did not give food / meals to Sandeep Mengane. It is seen from the record that verbal altercation took place inside the room between them which escalated into the incident in question whereby Applicant took a kitchen knife and stabbed Sagar Mengane in his chest and pushed him outside the room. When the victim fell outside the room it was noticed by his brother Sandeep Mengane as also by his wife Swati – Complainant who was standing outside at that time in the verandah. Applicant thereafter locked herself inside her room and cut her veins in order to commit suicide in view of the incident which happened. Victim Sagar Mengane was rushed to the hospital and thereafter Applicant was also rushed to the hospital. Sagar Mengane was declared dead on arrival whereas Applicant received treatment and was discharged after few days pursuant to which she came to be arrested on 11.05.2024. The knife in question has been recovered. Investigation is completed and charge-sheet has been filed. The autopsy report reveals injury caused to the

4th rib of the victim by the knife.

5. Mr. Suryawanshi has drawn my attention to the statement of Applicant recorded when in hospital while undergoing treatment immediately after the incident in view of she attempting to commit suicide. That statement is appended at page No.87 and it is recorded with endorsement of the treating doctor when she was in full consciousness. Applicant described the incident that unfolded in her room and stated that due to fit of rage because of questioning of the victim as to why she was not giving meals to his brother as also the issue regarding she being unable to bear a child and the threat given by victim to remove her from the house, she in fit of rage picked up the kitchen knife and stabbed it in the chest of Applicant.

6. The said statement clearly shows that prior to the assault which was committed by Applicant there was a verbal altercation between them which was in fact overheard by Sandeep as also Swati who were at that time standing outside the rooms in the verandah and at the door of the room. Statement of witnesses which are appended to the Application bear out the aforesaid prosecution story in entirety. There is no deviation in any of the statement. Applicant before me is a woman and the fact that she and Sandeep were married since 2006 and did not bear any child has come out in the statement of the witnesses which have been recorded which is true and correct. The

aforesaid incident as can be seen from the record is not a premeditated incident nor there is any element of planning or *mens rea* as can be seen. The incident had happened on the spur of moment due to the precursor incident of Applicant not giving the afternoon meal to her husband for which she was questioned by the victim which led to the unfortunate incident. Considering the fact that Applicant is a woman and incident having occurred on the spur of moment, I am inclined to enlarge the Applicant on bail subject to following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- 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 a.m. to 12:00 p.m. 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 influence any of the witnesses or tamper with the evidence in any manner;
- (v) 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;
- (vi) Any infraction of the above conditions shall entail the prosecution to seek cancellation of this order.

7. The aforesaid observations are *prima facie* on the basis of record of the case which has been argued before me and is an expression of opinion by this Court only for the purpose of enlargement of Applicant on bail and shall not influence the trial in the present case.

8. Bail Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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