

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3129 OF 2025**

Munni Ramaiyalal Shrivastav

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Zoheb Shaikh, *for the Applicant.*

Ms Anuja Sunil Gotad, *APP for the Respondent-State.*

Mr Nitin Palande, *PSI attached to Trombay Police Station
present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 23RD SEPTEMBER 2025

PC:-

1. The Applicant seeks her release on bail in connection with FIR No.413 of 2024 dated 23rd August 2024 registered with the Trombay Police Station, Brihanmumbai City, for the offences punishable under Sections 103(1) and 238 of the Bharatiya Nyaya Sanhita, 2023 ('BNS')

2. The case of the prosecution in brief is that there are in all four accused persons involved in the present crime. It is

alleged that the accused persons in a conspiracy killed the victim namely, Reshma, who is stated by the prosecution to be daughter-in-law of the present Applicant. It is alleged that co-accused namely, Kanhaiyya, Premkumar and Rajesh hit the head of the deceased with stone pestle. Victim-Reshma succumbed to the said blow. The role of the present Applicant and another accused also named Reshma, is limited to the disposal of the body of the deceased. While on patrolling duty, the Police officials stumbled open the said body in a white sack and an FIR came to be registered.

3. The Applicant filed a bail application before the Trial Court and the same was rejected by an order dated 23rd July 2025 and hence, the Applicant is before this Court. By way of the present bail application, the Applicant is seeking reliefs as prayed.

4. Mr. Zoheb Shaikh, learned counsel appearing for the Applicant, has drawn my attention to an order passed in the case of *Reshma Ramaiyalal Shrivastav v. The State of*

Maharashtra & Anr.¹ by a Division Bench of this Court. In paragraph 7 of the said order, the APP appearing in that matter, stated that Reshma, i.e., the accused no.5 was not involved in the commission of offence punishable under Section 103(2) of the BNS and the only role attributed to her was one under Section 238 of the BNS, which is bailable. Upon the submissions made by the APP, this Court granted bail to accused no.5-Reshma, holding that the offence under which she was charged, is bailable. The Court also considered the medical condition of Reshma's daughter. Mr. Shaikh thus, submits that considering the allegations made against the present Applicant and the order releasing accused no.5-Reshma on bail by a Division Bench of this Court, this Applicant also deserved to be enlarged on bail on the principle of parity.

5. Per contra, Ms Anuja Gotad, learned APP representing the State, submits that by the earlier order passed by the Division Bench of this Court, co-accused-Reshma was released

1 Cri. WP (St) No. 2266 of 2025 dtd. 13.2.2025

on bail considering the medical condition of her daughter. She further submits that the Applicant is not ordinarily residing in the Maharashtra and in case, the Court is inclined to grant bail to the Applicant, appropriate conditions be imposed. She thus, resists the bail application.

6. I have heard both the counsel and perused the record with their assistance.

7. Undoubtedly, the gist of the charges in the charge-sheet clearly indicate that the present Applicant is charged under Sections 238 of the BNS. The allegation is that she along with co-accused Reshma, helped in disposing of the body of the deceased. I have perused the order in ***Reshma Ramaiyalal Shrivastav (Supra)***. This Court already considered that since the co-accused Reshma was only involved in the commission of offence punishable under Section 238 of the BNS, the said being bailable, said Reshma was released on bail. The role attributed to the present Applicant is exactly similar to that of co-accused, Reshma. In these circumstances, on the principle

of parity, I am inclined to grant bail to the Applicant and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.5,000/ with one or two local sureties in the like amount;

ii) The Applicant is permitted to furnish provisional cash bail of Rs.5,000/- for her release immediately and file undertaking that she will provide one or two sureties in the like amount of Rs.5,000/- within a period of six weeks after her release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the Trombay Police Station, Brihanmumbai City, once in 15 days between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

iv) The Applicant shall not leave the jurisdiction of the State of Maharashtra without permission of the Trial Court;

v) The Applicant shall attend the Trial Court concerned on each and every date unless specifically exempted by the orders of the Trial Court concerned;

vi) If the Applicant has not deposited her passport, the Applicant shall deposit the same with the concerned Police Station;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform her latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the concerned Police Station;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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signed by
SHAMBHAVI
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