

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 200 OF 2025

Sharda Shyam Shirsagar

.. Applicant

Versus

State of Maharashtra

.. Respondent

-
- Mr. Swapnil Newaskar a/w Mr. Pratik Sabale & Ms. Pallavi Devrukhkar for Applicant
 - Ms. Megha S. Bajoria, APP for State
 - Mr. Shankar S. Honmane, API, Rabale Police Station, Navi Mumbai
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 22, 2025

P. C.:

1. Heard Mr. Newaskar, learned Advocate for Applicant and Ms. Bajoria, learned APP for State.
2. Applicant - accused has filed the present Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "**BNSS**") in connection with Crime No. 534/2024 registered with Rabale Police Station, Navi Mumbai under Sections 108, 115(2), 3(5), 352 and 85 of the Bharatiya Nyaya Sanhita, 2023 (for short, "**BNS**").
3. Applicant before me is the mother-in-law of the deceased victim who is indicted in the crime. Complainant is the father of the victim. FIR is appended at page No. 13-17H and according to the said FIR,

victim had left rather eloped from the complainant's house on 22.03.2024 and had performed marriage with Akshay Shyam Kshirsagar and thereafter both of them went to reside in his house in Airoli, Navi Mumbai. Complainant has stated that his family cut off all relations with the victim thereafter and did not keep any contact with her whatsoever.

4. The case of the prosecution is that in view of the marriage performed by the victim with Akshay, family members of Akshay were not happy and more specifically the mother-in-law i.e. Applicant before me and Akshay - husband used to harass her and beat her sometimes.

5. Ms. Bajoria, learned APP has placed before me the "C" file wherein Investigating Officer (IO) has recorded statements of victim's friends. Victim took the drastic step of committing suicide at night on 13.10.2024. However what transpired between March 2024 and the date of the incident is critical. I have gone through the complaint filed which encompasses some of the statements of the victim's friends who had communicated with her during the aforesaid period. However from the FIR itself it is seen that when the complainant was informed about the demise of the victim, he along with his family members left to see her and found out that for the past 15 days prior to the date of the incident, victim Vijaya and her husband were both living

separately from Akshay's family house in Airoli area on rent. One of the witness statement of one friend called Sayali has been recorded by the IO. According to the complainant, he had received a phone call from Sayali 18 days prior to the incident and she had informed the victim's father that due to a quarrel between the victim and her husband, she had left the house and she had come to stay at her place. At that time complainant informed the victim's friend that she should be advised to go and lodge a complaint if she is being harassed by her husband or his family members. Statement of said friend Sayali further shows that immediately on the next day, Vijaya i.e. victim left her place and went to reside back along with her husband Akshay who has come to pick up her at Dadar railway station. It is further clear that both the victim and her husband had separated from the house of Akshay in Airoli. Address of the house where both of them were staying on rent is also stated in the FIR being a place called Pragati Rahivasi Sangh, Room No. B-274, Sector 2, Airoli.

6. None of the statements nor the FIR suggest that the victim had filed any complaint of harassment. On the contrary, it is seen that right since her second year degree college days, victim was knowing Akshay and had decided to marry him at that time itself which she confided in her friends which has come out in their statements. It is only in the FIR that it is seen that the allegation is made with respect

to physical abuse. There is no other record to support the said allegation. Admittedly FIR itself clearly brings out the fact that the victim and her husband were staying separately in a different house altogether whereas Applicant before me was staying in her own house situated at Shivganesh Chawl, Ganeshnagar, Chanchpada, Airoli, Navi Mumbai. Custodial interrogation of Applicant is therefore not required in my opinion. This is in view of the fact that admittedly on the case of the prosecution itself, 15 days prior to the incident, the victim and her husband had separated and were living together on rent in another house with which Applicant before me would not be a privy. In that view of the matter, present Application is allowed in terms of prayer clause (a). Applicant is granted pre-arrest bail on the following terms and conditions:-

- (i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand Only) with one or two sureties in the like amount;
- (ii) Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

- (iii) Applicant shall attend the concerned Police Station on 24th and 25th January 2025 between 10:00 a. m. and 05:00 p.m. and thereafter as and when called for by the investigating officer;
- (iv) Applicant shall inform her latest place of residence and mobile contact 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;
- (v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

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

8. "C" file is returned back to the Investigating Officer.

9. Application is allowed in the aforesaid terms and is accordingly disposed of.