

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 449 OF 2025

Ms.Krishna @ Krishika Ashok Chawla	 Applicant
VERSUS	
State of Maharashtra	 Respondent

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO. 459 OF 2025

Ms.Hitika Bunty Chawla	 Applicant
VERSUS	
State of Maharashtra	 Respondent

Mr. Bharat V. Bhatia a/w. Ms.Pradnya Sonawane for the Applicants in both ABA.

Mr. Anand S. Shalgaonkar, A.P.P. for the State in ABA/449/2025.

Mr. Nitin B. Patil, A.P.P. for the State in ABA/459/2025.

Mr. Vikram Gaud, PI, Vitthalwadi Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 20th FEBRUARY, 2025

P.C. :-

These applications are filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in

connection with FIR No. 0024 dated 12th January, 2025 registered with Vitthalwadi Police Station, Thane City for the offence punishable under Sections 64(2)(m), 87, 74, 75, 118(1), 115(2), 308(5), 352, 351(2), 49, 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

2. These two anticipatory bail applications have been filed by the original accused no.5 and accused no.6 who are the sister-in-law of the informant and the accused no.6 is the sister-in-law of the accused no.5. The names of the present applicants are arraigned as accused in the FIR and in the statement recorded of the informant which forms a part of the FIR. The allegations are made against the present applicant also on the basis of which an FIR has been lodged.

3. Admittedly, the accused no.1 the alleged husband of the victim/informant has been arrested and is in custody of the police from 15th January 2025. As regards accused nos. 2, 3 and 4 are concerned, no steps have been taken after rejection of the

anticipatory bail application by the Sessions Court. As regards the present applicants are concerned, it has been submitted before me that they are the distant relatives of the accused no.1. The accused no.5 is a married sister of the accused no.1 (alleged husband) who married in 2015 and she is residing with her husband and his family members in her matrimonial home.

4. As regards the accused no.6 who is sister-in-law of the accused no.5 is concerned, she is also a married lady and is residing with her husband and in-laws.

5. As far as the present applicants are concerned, the only allegation against them is they have abated the acts done by the accused no.1. Both of them being the married ladies and according to the learned counsel for the applicants, their role is very limited as alleged in the FIR. They are ready to co-operate with the Investigating Officer. Hence, their custody would not be required.

6. On behalf of the informant, it has been submitted that the present applicants were equally guilty, abating and not supporting the informant when she was in deep trouble. There are two abortions of the informant. The informant is at present residing with her parents from August 2024. It is submitted that the custody of the present applicants would be necessary though they are females as they have always assisted the accused no.1.

7. The learned A.P.P. submits that the present applicants are married females, accused no.5 being the sister of the accused no.1(alleged husband) and accused no.6 is the sister-in-law of the accused no.5. He submits that if both these applicants co-operate with the police and are available to give their statements as and when called, their custody as of now is not required.

8. It is the case of the informant that the accused no.1 got married the informant on 13th August 2021 against the wishes of the parents of the informant at Trimbakeshwar Mandir, Nashik. However, no such proof is available as of now. Thereafter a joint

affidavit was executed before the notary by the couple wherein it has been mentioned about the marriage being solemnized. A missing complaint was filed by the parents of the informant. Hence, a letter was written by the informant in the police station on 16th August, 2021 thereby stating that she had married the accused no.1 out of free will and the jewelry, her mobile and cash of Rs.6,000/- was returned back to the father of the informant. Thereafter, on 16th August, 2021, the informant and the accused no.1 went to Gurudwara at Ulhasnagar and performed the marriage which is called as "Lava". However, no such certificate of performance of marriage is brought on record.

9. Taking into consideration the fact that the accused no.5 is the married sister of the accused no.1 (who is in jail), she is staying with her in-laws from the year 2015 and the accused no.6 being the married lady, who is the sister-in-law of the accused no.5 staying with her husband and in-laws, according to me, as of today custody of both these females is not necessary.

10. The fact that whether a marriage was performed of the accused no.1 with the informant will have to be verified at an appropriate stage. However, as far as the present applicants are concerned, they being married females staying in their own home, as of now their custody would not be necessary, since they have promised that they will co-operate with the police. The anticipatory bail application is accordingly allowed. Hence, the following order :-

ORDER

- (a) **The anticipatory bail application is allowed.**
- (b) In the event of arrest in connection with FIR No. 0024 dated 12th January, 2025 registered with Vitthalwadi Police Station, Thane City for the offence punishable under Sections 64(2)(m), 87, 74, 75, 118(1), 115(2), 308(5), 352, 351(2), 49, 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, the applicants shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- each with two or

more sureties of the like amount.

(c) The applicants shall co-operate with the investigation and attend the office of the Investigating Officer of the concerned Police Station on every Saturday morning between 11:00 a.m. to 1:00 p.m. and as and when called.

(d) The applicants would not contact the informant/complainant and her family members, witnesses in the present matter.

(e) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(f) The applicant shall furnish details of his residential addresses, contact numbers and e-mail addresses and will submit their mobile phones to the Investigating Officer.

11. The anticipatory bail application is disposed of.

[RAJESH S. PATIL, J.]