

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.1831 of 2025

Kantariya Punamben Dineshbhai

Age: 25 yrs, Indian Inhabitant,

R/at Hipadavali, Amreli,

Gujrat-364525

... Applicant.

Vs.

The State of Maharashtra

(through of Kalachowki police

station, vide CR no.265/2023)

... Respondent.

Mr Shailesh Kharat a/w Onkar Chaudhari for the applicant.

Mr Pankaj Deokar, APP for the respondent / State.

PSI Inamdar, Kalachowki police station.

Coram : R.N.Laddha, J.

Date : 7 July 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.265 of 2023, registered at Kalachowki Police Station, Mumbai, for the offences punishable under Sections 306, 379, 380, 406, 415, 420, 503, 506, 120-B of the Indian Penal Code.

2. The prosecution alleges that between 12 May 2019 and 18 December 2020, the applicant and the co-accused

deceived the deceased by hiding the applicant's extra-marital affair and threatened him with false cases, forcing him to marry her. Post-marriage the applicant continued the affair, causing the deceased mental distress. She later left the marital home with her '*Streedhan*' and refused to return. It is alleged that the applicant pressured the deceased to bring her back, threatening false cases if he did not comply. As a result, the deceased, overwhelmed, jumped from the fifth floor of his residence and died.

3. The learned Counsel for the applicant submits that the applicant has been falsely implicated in the present case. He contends that there has been an inordinate and unexplained delay of 35 months in the registration of the FIR, which casts serious doubt on the genuineness of the allegations. Even a private complaint under Section 156(3) of CrPC was initiated only after a substantial lapse of 15 months, indicating that the initiation of proceedings is an afterthought. The learned Counsel further submits that the present FIR is a counterblast to the FIR lodged by the applicant herself on 15 October 2020, reflecting a retaliatory motive. The learned Counsel points out that the co-accused persons have already been granted anticipatory

bail. There is nothing to be recovered or discovered from the applicant. The investigation in the matter has been concluded, and a charge sheet has already been filed against the co-accused. He emphasise that the applicant has no criminal antecedents and is a young woman aged about 25 years. Upon receipt of notice u/s 41-A CrPC, the applicant has duly attended the concerned police station and has cooperated with the investigation. The learned Counsel further draws the attention of this Court to the copy of Divorce petition filed by the applicant's husband (deceased) in March 2020, and submits that no complaint or allegation had been made against the applicant for a considerable period thereafter. The learned Counsel further submits that on 17 April 2025, the prosecution informed the applicant regarding the filing of the charge sheet, which clearly demonstrates that the custodial interrogation of the applicant is not necessary or warranted.

4. On the other hand, the learned APP opposes the application and submits that the allegations pertain to a grave and serious offence. However, the learned APP concedes that the investigation has already been completed, the charge sheet stands filed against the co-accused, and

nothing is to be recovered or discovered from the applicant. Furthermore, it is acknowledged by the prosecution that they do not seek custodial interrogation of the applicant.

5. Upon perusing the records it appears that applicant is the wife of the deceased. The incident is dated 18 December 2020, however, a private complaint under Section 156(3) of the CrPC was filed after 15 months from the date of alleged incident. This inordinate delay was not explained. Statements of witnesses are recorded after November 2023. The deceased himself had not made any complaint against present applicant before police during his lifetime. The investigation has concluded, and the charge sheet has already been filed. Nothing is to be recovered or discovered from the applicant.

6. In the circumstances, this Court deems it appropriate to grant the anticipatory bail to the applicant. Hence, the following order :

-ORDER-

(i) In the event of applicant's arrest, in connection with CR No.265 of 2023, registered with Kalachowki Police

Station, Mumbai, she shall be released on bail upon furnishing PR bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall not tamper with the prosecution's evidence and influence witnesses in any manner.

(iii) The applicant shall attend the concerned police station as and when required.

7. Accordingly, the application stands disposed of.

[R. N. Laddha, J.]