

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

Anticipatory Bail Application No.1840 of 2025

Ankita Santosh Prajapati
Aged about 35 years,
Occ: housewife, R/a Ganesh
Kirana Stores, Patlipada
Ghodbunder road, Thane (W). ... Applicant.

Vs.

The State of Maharashtra
(at the instance of Sr.PI
Kasarvadavali police station,
vide FIR No.I-114 /2025) ... Respondent.

Mr Nitin Sejpal a/w Sahir Patel for the applicant.
Mr Arfan Sait, APP for the respondent / State.
API Digamber Legare, Kasarvadavali police station, Thane.

**Coram : R.N.Laddha, J.
Date : 9 July 2025.**

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.I-114 of 2025, registered at Kasarvadavali Police Station, Thane, for the offences punishable under Sections 105, 117(2), 352 read with 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. It is the case of the prosecution that on 26 January 2025 at about 19:00 hrs, the deceased, who was the husband of the informant, was assaulted by the applicant along with her two brothers. It is alleged that the three accused individuals physically attacked the deceased, subjecting him to repeated punches and kicks. Following the assault, the injured victim was immediately taken to a hospital for medical treatment. Despite receiving care, he ultimately succumbed to the injuries on 8 February 2025.

3. Mr Nitin Sejpai, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present case. The alleged incident occurred as a result of sudden and grave provocation, following a heated altercation initiated by the deceased. During the quarrel, the deceased subjected the applicant, who was pregnant at the time, to verbal abuse and physical assault. This confrontation escalated into a scuffle involving the applicant's brother and the deceased. The learned Counsel submits that there are no allegations suggesting the use of any weapon by the applicant in the commission of the alleged offence. Moreover, there is nothing to be recovered or discovered from the applicant. The

investigation in the matter has been completed in its entirety, and a charge sheet has already been filed before the competent Court. According to the learned Counsel , the allegations made in the FIR, as well as those appearing in the statements of prosecution witnesses, are vague and lacks the specificity.

4. The learned Counsel apprises the Court that the applicant gave birth to a baby boy on 16 May 2025 through a cesarean section following a premature delivery. Due to the early birth, the newborn is presently in a delicate condition and requires specialised medical care. Both the applicant and her child are presently undergoing medical treatment.

5. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, on instructions from the investigating officer, candidly acknowledges that the applicant was pregnant at the time of the incident. He further submits that the investigation in the matter has been duly completed and the charge sheet has already been filed before the competent Court and nothing is to be recovered or discovered from the applicant.

Accordingly, the prosecution does not seek custodial interrogation of the applicant.

6. Upon perusing the records, it appears that at the time of the alleged incident, the applicant was pregnant and has, approximately one month prior, given birth to a male child. It is an undisputed fact that there are no allegations suggesting the use of any weapon by the applicant. Furthermore, nothing is to be recovered or discovered from the her in connection with the case. The investigation has already been completed, and the charge sheet has been duly filed before the competent Court.

7. In light of these circumstance, particularly completion fo the investigation, the absence of any requirement for further recovery or discovery, and the fact that the applicant has recently delivered a premature infant who is in need of medical care, this Court deems it appropriate to grant anticipatory bail to the applicant. Hence the following order.

ORDER

(i) In the event of the applicant's arrest in connection with No.I-114 of

2025, registered at Kasarvadavali Police Station, Thane, she shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall regularly attend and cooperate with the trial Court for expeditious disposal of the case.

(iii) The applicant, herself or through any other person, shall not tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

[R. N. Laddha, J.]