

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4481 OF 2025**

Usha Jitendra Chandalia ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Sushil Upadhyay *a/w Ashok Sarang, for the Applicant.*
Mr. Mayur Sonavane, *APP for the State-Respondent.*
Mr. Aditya Sharma, *for Respondent No.2.*
PSI – Korewar, *Malvani Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 05th JANUARY 2026

PC:-

1. The Applicant seeks her release on bail in connection with C.R. No. 1809 of 2024 dated 31st December 2024 registered with the Malwani Police Station for the offences punishable under Sections 108, 115(2), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The case of the prosecution, in brief, is that the Applicant and the victim were in a relationship for several years. The Applicant persuaded the deceased to live separately

from his family. He obliged. However, even after separating from his parents and residing in a rental premises, the Applicant started harassing the deceased. She was addicted to alcohol and she used to abuse him loudly. She used to demand that the deceased pay money to her sister, her sister's children and her other relatives. The deceased, in fact, was absolutely and totally fed up of her behavior. It is also alleged that the Applicant used to call upon her son, Jatin, who used to come and beat up the deceased. There were threats of implicating him in false criminal cases if he did not comply with her diktats. Ultimately, on 8th December 2024, the deceased, finding the conduct of the Applicant unbearable, committed suicide. The Complainant, who is the brother of the deceased, has recorded his statement, that it is only because of the harassment, abuses and the trauma given by the Applicant, that his brother, the deceased, committed suicide. A suicide note was recovered from the pocket of the trouser of the deceased. The note also records the annoyance and harassment meted out to the deceased at the hands of the

Applicant and her son, Jatin. On this basis, the FIR was registered and the Applicant was arrested on 20th January 2025.

3. The Applicant made an application seeking bail before the Additional Sessions Court at Dindoshi. However, by order dated 24th July 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Sushil Upadhyay, learned Counsel for the Applicant, submits that there was a consensual relationship between the deceased and the Applicant and considering their relationship, it is beyond any imagination that the deceased committed suicide because of the alleged harassment meted out by the Applicant. He has taken me through the suicide note. He submits that the note is very generic and in fact, implicates Jatin more than the present Applicant. He submits that there is no proximity between the suicide of the deceased and the harassment allegedly caused by the Applicant since there was a long standing consensual relationship between the parties,

who were residing together. He thus prays that the Applicant be enlarged on bail.

5. Mr. Mayur Sonavane, learned APP, contests the Bail Application and states that the offence is serious. There is proximity between the time of suicide and the harassment caused by the Applicant. He submits that in fact, the anticipatory bail application of Jatin was rejected, although he is still absconding. He also submits that Jatin was harassing and threatening to beat up the deceased on the say of the present Applicant herself. He thus prays that the Bail Application be rejected.

6. Mr. Aditya Sharma, learned Counsel for Respondent No.2, supports the argument made by Mr. Sonavane. He also submits that there are statements of witnesses residing in the neighborhood, who have also stated to the police that they have witnessed the physical assault and the abuses hurled by the present Applicant on the deceased. In these circumstances, he submits that the Bail Application be rejected.

7. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

8. Undoubtedly, the Applicant is a lady and is in custody since 20th January 2025. I have gone through the suicide note. The suicide note records the *modus* in which the Applicant used to harass the deceased. However, it does appear from the suicide note that it is the son of the Applicant, who has been accused of assaulting the deceased. It is also a fact that the Applicant and the deceased were in a long-term relationship and there was nothing to prevent the Applicant from leaving the rental premises and returning to the folds of his family. There is no complaint made by the deceased against the Applicant during his lifetime.

9. In these circumstances, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant is permitted to furnish provisional cash bail of Rs.50,000/- for her release immediately and file undertaking that she will provide one or two sureties in the like amount of Rs.50,000/- within a period of four 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 Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iv) The Applicant shall not leave Maharashtra, without permission of the Trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- vi) The 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;
- vii) The Applicant to co-operate with the conduct of the trial;
- viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

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

(Dr. Neela Gokhale, J)