

MHCC050067072022



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO. 2011 OF 2022**

**IN**

**( C.R. No. 2357 of 2022 of Sakinaka Police Station, Mumbai )**

**1) Shruti Bapu Katakdaund @ Shruti Nitin Hatkar,**

Age : 36 yrs., Occupation : service,  
R/o : E/703, Regalia Soc.,  
Datt Mandir Road, Opp. NCP Office,  
Wakad, Pune, Maharashtra

**2) Smruti Bapu Katakdaund @ Dr. Smruti Abhijit Vatkar,**

Age : 37 yrs., Occupation : Doctor,  
R/o : 301, Building-G Comfort Zone Soc.,  
Opp. Ambad Talathi office, Nashik

**..Applicants**

**Vs**

**The State of Maharashtra**

( through Sakinaka Police Station )

**..Respondents**

Ld. Adv. Arun Jadhav, for the applicants.

Ld. APP R.C. Sawale, for the State.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE**

**R.M. MISHRA**

**(C.R.NO.4)**

**DATE : 21<sup>st</sup> December, 2022**

**ORAL ORDER**

This is an application for grant of anticipatory bail under section 438 of Cr.P.C., in connection with C.R. No. 2357 of 2022, registered with Sakinaka Police Station for the offences punishable under sections 306, 384, 120-B, 323, 504, 506 of the Indian Penal Code.

2 Perused application and say. Heard learned advocate for the applicants and learned APP for the State.

3 On 15/12/2022 at the instance of one Chhaya Maruti Sadaphule aforesaid offence came to be registered.

As can be seen from the FIR, deceased daughter of the aforesaid informant namely Sonali @ Kajal had love relations with co-accused Aatish Babu Katakhdound since last 7 to 8 years. Their respective families were also aware about the affair between them. In the year 2018, deceased Sonali along with her sister had approached towards the applicant no.1 who is the sister of Aatish, by taking proposal of marriage. However, the applicant no.1 made a demand of dowry and put forth condition to incur huge expenses for the marriage which was not possible for the complainant's family due to their poor economic condition. The family of Aatish, therefore, refused for the said marriage proposal. On the other hand, Aatish continued his relations with Sonali by giving false promises to marry with her. Though deceased Sonali was trying to keep distance co-accused Aatish used to contact with her and used to give promises to marry with her. In the month of June, 2021 Sonali had lodged the report against Aatish for committing sexual

intercourse against her will. Accordingly, offence came to be registered in C.R. No. 14 of 2021 under sections 376 and 420 of the Indian Penal Code in Gorai Police Station. Once deceased Sonali had also tried to commit suicide due to mental stress on the part of Aatish. Aatish was also facing problem in getting job in view of the offence registered against him. He, therefore, again contacted with Sonali and started giving false assurances to perform marriage with her and also used to perform physical relations against her will. He had obtained Rs. 5,00,000/- from Sonali and purchased new home at Kopar Khairane under the pretext that he would perform marriage with her. Sometimes deceased Sonali had disclosed about the behaviour of Aatish to his sister and mother.

4           On 10/12/2022 when the complainant had been to their native place at Latur in the marriage of their relative, she received phone call of Rupali on 13/12/2022 who informed that Aatish is performing marriage with another girl and his marriage is going to be performed on 14/12/2022. The complainant also came to know that in view of the marriage of Aatish with another girl, Sonali has been depressed and she is continuously weeping. On 14/12/2022 at about 15.00 hours Sonali made a phone call to the complainant and started weeping by saying that Aatish is performing marriage with another girl. At that time, the complainant tried to give understanding to Sonali. Thereafter, at about 18.30 hours, the complainant came to know that Sonali is serious, therefore, when she rushed to Mumbai at that time, she found that Sonali has committed suicide by hanging herself in the

house. Before committing suicide, Sonali had written suicide-note in which she has stated that co-accused Aatish and his family members are responsible for her suicide. Accordingly, offence came to be registered.

5 By this application, the applicants have contended that they are reputed persons in the society. Both the applicants are married and residing at their matrimonial home. Both are working ladies and engaged in their family life. They have nothing to do with the alleged incident. The applicant no.1 is residing with her family at Pune and the applicant no.2 is residing at Nashik. Both of them belonged to the respectable families and also having deep root in the society. They have no connection with this crime. They are ready to abide the conditions imposed by the Court. The applicants, therefore, prayed for their release on anticipatory bail.

6 Application is resisted by the prosecution vide say Exh. 03 mainly on the ground that there is active participation of these applicants in this crime. In the suicide note the deceased has given particulars about physical and mental harassments at the hands of all the accused. The applicants had put forth condition to provide dowry and heavy expenses for the marriage of deceased with Aatish and to separate the co-accused Aatish from the deceased, she was mentally and physically harassed by all the accused persons. Investigation is at a primary stage. There is possibility of pressurizing the witnesses if the applicants are granted pre-arrest protection.

7 I have considered the submissions of learned advocate for the applicant and learned APP and also gone through the case diary. After careful consideration of the entire facts and circumstances, it reveals that the fact that the deceased and co-accused Aatish were in relationship was known to both families. In the year 2018 in view of the condition put forth by one of the sisters of co-accused Aatish for giving hunda and bearing expenses in solemnizing marriage for which family of the deceased was unable, and therefore, the marriage proposal was refused by the family of the accused.

8 After the episode of 2018 about the refusal of proposal of marriage, participation of these applicants is nowhere shown either in the report or in the statement of the complainant. Both these applicants who are the sisters of co-accused Aatish are supposed to be married long back and both of them are residing in their matrimonial home at Pune and Nashik respectively. As can be seen from the record, main role has been attributed to co-accused Aatish and his mother. These accused were supposed to be committing atrocity by harassing physically and mentally to the deceased. The learned advocate for the applicants submitted that the applicant no.1 was married in the year 2014 and she is in service and residing at Pune. On the other hand, the applicant no.2 was married in the year 2010 at Nashik and she is doctor by profession. As such having regard to the aforesaid facts and circumstances, nothing is to be recovered or discovered at the instance of these applicants who are residing in their respective matrimonial homes. Whatever is alleged against these applicant is pertaining to the episode which took place

long back in the year 2018. In these circumstances, if certain conditions are imposed while granting anticipatory bail to these applicants, in my view, purpose will be served. In this view of the matter, following order is passed :

**ORDER**

- 1) Application under section 438 of the Code of Criminal Procedure for the grant of anticipatory bail is allowed.
- 2) In the event of arrest of the applicants 1) **Shruti Babu Katakdaund @ Shruti Nitin Hatkar, and 2) Smruti Babu Katakdaund @ Dr. Smruti Abhijit Vatkar**, in connection with C. R. No. 2357 of 2022, registered with Sakinaka Police Station for the offences punishable under sections 306, 384, 120-B, 323, 504, 506 of the Indian Penal Code, they be released on bail, on their executing PR Bond of Rs. 15,000/- each (Rupees Fifteen Thousand Only), with one solvent surety in the like amount, on the following conditions-
  - a) The applicants shall attend the police station as and when called upon and shall co-operate the Investigating Officer whenever required until investigation is completed.
  - b) The applicants shall not attempt to contact nor shall attempt to pressurize the informant and any other prosecution witnesses nor shall tamper with the evidence of prosecution in any manner.
  - c) The applicants shall produce the proof of their residence in support the proof of their close relatives to avoid the possibility of their absconding.

- 3) Concerned Police Station be informed accordingly.
- 4) Anticipatory Bail Application No. 2011 of 2022 is hereby disposed of accordingly.

sd/-

(R.M. Mishra)

Dt. 21/12/2022

Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Dictated on : 21/12/2022  
 Transcribed on : 21/12/2022  
 Checked on : 21/12/2022  
 Signed on : 21/12/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
22/12/2022 at 5.40 p.m. UPLOAD DATE AND TIME	Mrs. S.B. Vichare NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ R.M. Mishra, City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai ( C.R.No. 04 )
Date of Pronouncement of JUDGEMENT/ORDER	21/12/2022
JUDGEMENT/ORDER signed by P.O. on	21/12/2022
JUDGEMENT/ORDER uploaded on	22/12/2022