

Order below Exh.1
in Cri. Bail Application No.298/2022.
(Sarika Shashikant Shejwal and others Vs State)

This is a second anticipatory bail application moved by the applicant-accused No.1 Sarika Shashikant Shejwal and No. 2 Bhagirathi Ganpat Mhasne under section 438 of the Criminal Procedure Code for grant of anticipatory bail in connection with CR No.10/2022 registered with Ghoti Police Station for the offence under section 306 r.w.s.34 of the Indian Penal Code (hereinafter referred to as "IPC" for short), in the event of arrest in connection with above referred crime.

2. It is stated in the application that earlier bail applications No.77/2022 and No.71/2022 respectively moved by these applicants-accused has been rejected by this Court, however, as the said bail applications were rejected, subsequently the accused No.1 to 3 have also moved the similar type of anticipatory bail applications, which were rejected by this court. Therefore, they approached to the Hon'ble Bombay High Court and they were granted anticipatory bail. Therefore, on the ground of parity these applicants-accused have moved the present application stating that entire detail of the incident and registration of crime. Hence, prayed to allow the application on the ground of parity.

3. The State has opposed the application by filing report today and objected that all accused have abetted the deceased to commit suicide.

4. Perused the record. Heard, both the parties.

5. It is stated at bar by the learned counsel for applicants-

accused Shri. G.L. Bodake that the accused No.1 and 3 have been granted the anticipatory bail by the Hon'ble Bombay High Court and affixed the photo-state copies of those bail orders dated 14.2.2022,17.2.2022 and 21.2.2022 on record in connection with Cri. Anticipatory Bail Application No.356/2022, 291/2022 and 456/2022 respectively.

6. I have gone through the said bail orders in which the Hon'ble Bombay High Court held in para 6 that,

“I have considered the submissions made. Prima facie it appears that according to the Applicant, there was a love affair between her and the deceased. The first informant, who is the mother of the deceased, claims that the Applicant was interested in marrying the deceased and was pestering for the same. Looking to the nature of the allegations, prima facie it is doubtful whether the intention can be attributed to the Applicant to abet the commission of suicide by the deceased”.

7. Thus, the role of present applicants-accused is similar to the role of accused No.2 and 3, who have been already granted anticipatory bail by the Hon'ble Bombay High Court. Therefore, on the ground of parity, applicants-accused are entitled for anticipatory bail. Hence, I pass following order.

ORDER

- 1) Anticipatory Bail Application No.298/2022 is allowed.
- 2) In the event of arrest of applicants-accused No.1 Sarika Shashikant Shejwal and Bhagirathi Ganpat Mhasne, in connection with the investigation of Crime No.10 of 2022 registered with Ghoti Police Station, Dist. Nashik, they be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

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- ii) The applicants-accused shall report to the Investigating Officer on 15th and 16th, March, 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.
- iii) The applicants-accused shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.
- iv) Application is disposed of in the aforesaid terms.
- v) Inform the concerned police station accordingly.

Date-11.03.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.