

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO. OF 2022
(Arising out of SLP (Criminal) No.363 of 2022)

URMILA PRAKASH BHATIA

APPELLANT

VERSUS

STATE OF MAHARASHTRA & ANR.

RESPONDENTS

O R D E R

Leave granted.

The appellant herein is accused of the offences pertaining to Sections 354, 323, 504 and 506 of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 as also Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 on the imputations, as allegedly made by her 17-year-old step-daughter, about the appellant having inappropriately behaved with her and having mentally harassed her, when her father was abroad.

It appears that in the background exists the marital discord leading to several litigations, including a petition seeking dissolution of marriage, as filed by the father of

the victim child i.e., the husband of the present appellant, being marriage petition No.875/2020 that remains pending before the Family Court, Bandra, Mumbai.

In this matter, at the initial stage, this Court granted interim protection to the appellant but subject to the conditions that she would not enter the matrimonial house; would not create any unpleasant/untoward situation; and would not attempt to be proximate to the victim child. Thereafter, this Court noticed the element of settlement in this matter between the private parties and at request, they were referred to the Supreme Court Mediation Centre and thereafter, to the Court-appointed-mediator, the former Chief Justice of the Punjab and Haryana High Court. However, the efforts for settlement have not yielded any positive result, with the learned Court-appointed-mediator sending his report that the mediation was not possible.

With the record standing thus, we have heard the learned senior counsel for the appellant as also the learned senior counsel appearing for the respondent No.2.

Having heard learned counsel for the private parties, we posed queries to the learned counsel appearing for the respondent-State who has submitted, after taking instructions from the investigating officer, that further investigation is requisite in this matter, particularly when, amongst others, the allegations are of the appellant having retained several

of the papers/documents of the victim child with her, including Aadhaar Card and passport. This, according to the learned counsel for the State, has come to fore in the list of articles submitted by the victim girl to the investigating officer. *Per contra*, learned counsel for the appellant has drawn our attention to pages 8 and 9 of the counter affidavit filed on behalf of the State and has submitted that investigation is substantially over and the suggestions about want of documents are rather contradicted by the assertions made in the counter affidavit.

We are not making any comments on the merits of the case either way but in the totality of the facts and circumstances of this case as also nature of accusations, we are clearly of the view that the custodial interrogation of the appellant is neither required nor would serve the cause of justice. Therefore, we are inclined to grant the concession of pre-arrest bail to the appellant, subject, of course, to the conditions that have already been imposed by this Court in the order dated 20.01.2022 and subject to any further condition that may be imposed by the Trial Court.

Accordingly, the impugned order dated 07.01.2022 is set aside and the appeal stands allowed to the extent and in the manner indicated above.

It goes without saying that any observation occurring in this order and even the conditions imposed by this order

shall otherwise not be of any impediment in the parties taking recourse to appropriate remedies in accordance with law.

All pending applications stand disposed of.

.....J.
(DINESH MAHESHWARI)

.....J.
(SUDHANSHU DHULIA)

New Delhi;
November 15, 2022.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s).363/2022

(Arising out of impugned final judgment and order dated 07-01-2022 in ABA No.2879/2021 passed by the High Court Of Judicature At Bombay)

URMILA PRAKASH BHATIA

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(IA No.16499/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No.7169/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 7170/2022 - EXEMPTION FROM FILING O.T., IA No.95073/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.7166/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 15-11-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE SUDHANSHU DHULIAFor Petitioner(s) Mr. Gopal Sankaranarayan, Sr. Adv.
Ms. Sana Raees Khan, Adv.
Mr. Anuj Jhaveri, Adv.
Mr. Mahinder Singh Hura, Adv.
Mr. Jasmeet Singh, AOR
Mr. Saif Ali, Adv.
Mr. Divjot Singh Bhatia, Adv.
Mr. Pushpendra S. Bhadoriya, Adv.
Ms. Rusheet Saluja, Adv.
Ms. Mandeep Kaur, Adv.
Ms. Tanya Srivastava, Adv.For Respondent(s) Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Dama S. Naidu, Sr. Adv.
Mr. Dhiraj, Adv.
Mr. Saakshat Relekar, Adv.
Mr. Ashutosh Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
M/s. Vachher And Agrud, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed and the appellant is granted pre-arrest bail in terms of the signed order.

All pending applications stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)

(signed order is placed on the file)