

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1554 OF 2016

1. Maruti Pandurang Bodake
2. Somnath Mukinda Bhurde

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Sachin R. Pawar Advocate for Applicants
Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : SEPTEMBER 30, 2016.

PC :

1) Heard. This is an application under section 438 of the Code of Criminal Procedure, 1973. Heard the learned APP. Perused the papers of investigation. For the reasons assigned in the order dated 14/09/2016, applicants deserve to be granted pre-arrest bail.

2) It is a matter of record that the husband of the complainant had commit suicide on 20/06/2016 whereas the F.I.R. is lodged on 08/08/2016. In the interregnum, there was no allegation against the present applicant, no report was filed, no complaint was filed. Hence, there is no plausible explanation for

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the inordinate delay in lodging the F.I.R.

3) The learned counsel for the applicants submits that the possibility that the complainant being tutored to implicate the present applicants cannot be ruled out and hence, it does not appear that the statement dated 08/08/2016 is a voluntary statement. In view of this, applicant deserves pre-arrest bail. However, it is made clear that observations made herein above are prima facie in nature and restricted to consideration of an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- each with one or more sureties in the like amount.
- (iii) Applicants shall report to the concerned police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)