

nsc.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION***

***ANTICIPATORY BAIL APPLICATION NO.2361 OF 2018***

|    |                                 |               |
|----|---------------------------------|---------------|
| 1. | Popatrao Dhondiram Bandivadekar |               |
| 2. | Latatai Popatrao Bandivadekar   |               |
| 3. | Tanuja Abhishek Penkar          | ...Applicants |
|    | Versus                          |               |
|    | State of Maharashtra            | ...Respondent |

***WITH  
CRIMINAL APPLICATION NO.197 OF 2019  
(FOR INTERVENING)  
IN  
ANTICIPATORY BAIL APPLICATION NO.2361 OF 2018***

|                        |                         |
|------------------------|-------------------------|
| Sunita Bandu Belwankar | ...Original Complainant |
|------------------------|-------------------------|

**IN THE MATTER BETWEEN**

|    |                                 |               |
|----|---------------------------------|---------------|
| 1. | Popatrao Dhondiram Bandivadekar |               |
| 2. | Latatai Popatrao Bandivadekar   |               |
| 3. | Tanuja Abhishek Penkar          | ...Applicants |
|    | Versus                          |               |
|    | State of Maharashtra            | ...Respondent |

Mr.A.R.Kapadia, for the Applicants.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 28<sup>th</sup> JUNE, 2019***

**P.C. :**

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.740 of 2018 registered with the Sakinaka Police Station, for the alleged offences punishable under Sections 304, 323, 504 r/w 34 of the Indian Penal .
3. The applicant No.1 is the father; applicant No.2 is the mother and applicant No.3 is the sister of co-accused – Sakshi. The deceased – Bandu Belwankar is the father-in-law of co-accused – Sakshi. According to the prosecution, the incident took place on 25<sup>th</sup> October, 2018, at about 11.30 a.m. It is alleged that there was an altercation between the applicants and Sakshi on one hand and Sakshi's father-in-law. In the said altercation, it is alleged that co-accused – Sakshi pushed her father-in-law, as a result of which, he fell down and sustained an injury. Pursuant to the fall, the deceased (Bandu) expired. Accordingly, the aforesaid offence was lodged as against the applicants. It appears that co-accused – Sakshi pushed her

father-in-law (Bandu), pursuant to which, she was arrested and subsequently enlarged on bail. As far as the applicants are concerned, no specific overt act is attributed to them, except that there was a verbal argument between them and the deceased – Bandu.

4. In the facts, the custodial interrogation of the applicants is not necessary. The application is accordingly allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

#### **ORDER**

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount ;
- (ii) The applicants shall report to the Investigating Officer of the concerned Police Station, as and when called;
- (iii) The applicants shall not contact the complainant, witnesses or any person concerned with the case.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.
6. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
7. In view of the aforesaid, the Intervention Application being Criminal Application No.197 of 2019 does not survive and the same is also disposed of.
8. All concerned to act on the authenticated copy of this order.

***REVATI MOHITE DERE, J.***