

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2131 OF 2021**

Ramesh Dinkar Potdar & Ors.] .. Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Vikrant V. Phatate for Applicants.

Smt. Veena Shinde, APP for State.

Mr. Badiwale, PSI attached to Akkalkot South Police Station, present.

CORAM :- A. S. GADKARI, J.

DATE :- 08 SEPTEMBER, 2021

P. C. :-

1. Applicants are apprehending arrest in C.R.No.0445 of 2021 dated 24/07/2021 registered with Akkalkot South Police Station, Solapur Rural, under Sections 306, 511 and 354 read with Section 34 of the Indian Penal Code.

2. At the outset, learned APP, on the instructions of PSI Mr.Badiwale of Akkalkot South Police Station submitted that the police have decided to drop Sections 306 and 511 from the present crime and an appropriate report will be sent to the concerned Magistrate in that behalf.

3. In view of thereof, only Sections 354 read with 34 of the IPC are now applicable to the Applicants in the present crime.

Perusal of FIR would indicate that on 23/07/2021 when the Informant and his wife had been to the place of the Applicants, the Applicants abused them, directed them to commit suicide and it is further alleged that the Applicants outraged modesty of wife of the Informant. Except this passing reference of alleged outraging modesty, no other overt act is attributed to them.

The learned APP so also the learned Counsel for the Applicants submitted that the Informant and his wife have been discharged from the hospital and that is the reason the police have decided to drop Sections 306 and 511 of the IPC from the present crime.

4. In view of the above, this Court is of the opinion that the custodial interrogation of the Applicants for further investigation of the present crime is not necessary and they can be protected by pre-arrest bail.

Hence, the following order :

ORDER

- (i) In the event of arrest of Applicants in C.R.No.0445 of 2021 dated 24/07/2021 registered with Akkalkot South Police Station, Solapur Rural, under Sections 354 read with Section 34 of the IPC, the Applicants be released on bail on their furnishing PR. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each with one or two local sureties in the

like amount.

- (ii) Applicants shall attend the Investigating Officer as and when called for after receipt of notice in writing in that behalf, specifying date and time of attendance, till submission of final report under Section 173(2) of Cr.P.C.
- (iii) Applicants shall not tamper with the evidence and / or influence the prosecution witnesses.
- (iv) Application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)