

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 1817 OF 2022

Khandu Baburao Navadkar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Arjun Pawar, for the Applicant.
Mrs. P. N. Dabholkar, APP for the State

**CORAM: N. J. JAMADAR, J.
DATED : 6th JULY, 2022**

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.309 of 2022, registered with Phaltan Rural Police Station, District Satara, for the offences punishable under Sections 182, 201, 417, 420, 467, 468, 511 and 297 of the Indian Penal Code, 1860 ("the Penal Code").
3. The prosecution case runs as under:
 - (a) An accidental death report was registered at Phaltan Rural Police Station vide FIR No.33 of 2022 that an unidentified dead body was found near Hotel Ganraj at Vidni, Taluka Phaltan. Dada Vilas Survase, the co-accused approached

Phaltan Rural Police Station and claimed that his father Vilas Survase was missing since a fortnight. The co-accused identified the dead-body, kept at the morgue, to be that of his father. It was handed over to him. Funeral was held.

(b) On the further inquiry, it was revealed that the father of Dada Survase had passed away prior to one year as he suffered a heart-attack, at Kolhapur. The co-accused Dada falsely claimed the dead-body was that of his father to lodge a claim for insurance which was taken on the life of his deceased father.

4. The co-accused was arrested and has since been released on bail.

5. The applicant came to be implicated as the applicant had allegedly informed the co-accused that a dead-body was found at Phaltan. The applicant approached the learned Sessions Judge for pre-arrest bail. By an order dated 4th June, 2022, the learned Sessions Judge declined to exercise the discretion in favour of the applicant as it transpired that the applicant had informed co-accused Dada about the unidentified dead-body having been found at Phaltan.

6. Evidently, the accusation against the applicant, even if taken at par, does not make out imperativeness of custodial

interrogation for effective investigation. The principal allegation is against the co-accused Dada, who falsely claimed that unidentified dead-body was that of his father to dishonestly lodge a claim for insurance. In the circumstances, I am inclined to exercise the discretion in favour of the applicant.

7. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) In the event of arrest of the applicant in CR No.309/2022, registered with Phaltan (Rural) Police Station, District Satara, he be released on bail on furnishing a P. R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- (iv) The applicant shall cooperate with the investigation and attend Phaltan (Rural) Police Station on 16th July, 2022 and 30th July, 2022, in between 10.00 am. to 1.00 pm.
- (v) By way of abundant caution, it is clarified that the observations made hereinabove are confined to the consideration of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the co-accused.

[N. J. JAMADAR, J.]