

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.376 OF 2022

Gundaji Ramchandra Powar & Ors. ...Applicants
Vs.
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.784 OF 2022**

Appasaheb Jivan Ghatge ...Applicant

IN THE MATTER BETWEEN

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Gundaji Ramchandra Powar & Ors. ...Applicants
Vs.
The State of Maharashtra ... Respondent

Mr.Nitesh P. Hinduja i/b Mr.Prashant Bavke for the Applicants.
Mr.R.M. Pethe, APP for the Respondent-State.
Mr.Pramod G. Kathane for the Intervenor.
Mr.M.P. Mane, PN-171, Hatkangne Police Station, Kolhapur.

CORAM : C.V. BHADANG, J.

DATE : 8 MARCH 2022

P.C.

. Heard learned counsel for the parties.

2. By a detailed order dated 15 February 2022 interim protection was granted to the Applicants on condition of

attendance with the Investigating Officer. The order also records that the report of the Call Data Record (CDR) was awaited.

3. Today the learned Additional Public Prosecutor has submitted that the report is received and it does not show that there was any conversation between the deceased and the Applicants. The report is taken on record and marked 'x' for identification. This is relevant in view of the fact that according to the prosecution the Applicants had repeatedly threatened the deceased on point thereby abetting his suicide. However, as noticed earlier that report is negative.

4. The learned counsel for the informant states that the mobile number of the deceased must have been provided by the Applicants. He states that the informant will provide alternate number of the deceased. He also submitted that there are Criminal antecedents against the Applicants.

5. In my view the CDR being in the negative, it is not necessary to keep the present application pending. Indisputably the Applicant has reported to the Investigating Officer and has co-operated in the matter of investigation.

6. It will be open to the informant to assist the Investigating Officer by furnishing any other mobile number of the deceased. If such mobile number is furnished, it will be open

to the Investigating Officer to obtain a CDR report of the same with that of the mobile numbers of the Applicants. Further liberty is granted to the prosecution to apply for modification/cancellation of the order, in the event any further material is disclosed in the investigation showing the involvement of the Applicants in the offence.

7. In such circumstances, the application is disposed of in terms of the order dated 15 February 2022 which is hereby made absolute.

8. Interim Application stands disposed of.

C.V. BHADANG, J.