

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1603 OF 2022

Prakash B. Padalkar

...Applicant

V/s.

The State of Maharashtra

...Respondent.

WITH

INTERIM APPLICATION NO. 3759 OF 2022

Mr. Umesh R. Mankapure for the Applicant.

Mr.P.H. Gaikwad-Patil, APP for the Respondent/State

Mr. Kuldeep Nikam for the Applicant/Intervener in IA 3759/22.

CORAM : N.R. BORKAR, J.
DATE : 15.12.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 1372 of 2021 registered at Sangola Police Station (initially registered as Crime No.391 of 2021 at Atpadi Police Station) for the offences punishable under Sections 302, 364, 201, 498(A), 494, 323, 504, 506 read with 34 of the Indian Penal Code (IPC).

3. The deceased was the wife of present applicant. After marriage in the year 1997, they happily cohabited together till 2010. It is alleged that in the year 2010, the applicant got entangled in illicit relationship with co-accused Vandana Salgar. It is alleged that the applicant, thereafter, started ill-treating the deceased and was asking her to hand over her gold ornaments to

him. It is alleged that the applicant on 6 September 2021 had performed the second marriage with co-accused Vandana and started residing with her. It is alleged that as the deceased refused to give her gold ornaments to applicant, he along with co-accused committed the murder of the deceased.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State and the learned counsel for the applicant/intervener.

5. According to the prosecution, the deceased left the home on 3 October 2021 in the morning and thereafter her dead body was found in the well on 4 October 2021 in the evening at about 6.00 p.m. No external injuries were found on the person of deceased at the time of postmortem examination. Initially, crime was registered for the offence punishable under Section 306 of the IPC. The case is based on circumstantial evidence. Considering these facts, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in Crime No. 1372 of 2021 registered at Sangola Police Station (initially registered as Crime No.391 of 2021 at Atpadi Police Station) for the offences punishable under Sections 302, 364, 201, 498(A), 494, 323, 504, 506 read with 34 of the

Indian Penal Code (IPC) on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

6. In view of disposal of bail application, the Interim Application for intervention does not survive and the same is also disposed of.

[N.R.BORKAR, J.]