

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

BAIL APPLICATION NO.4103 of 2021

Balu Alias Balnath Nana
Gayakwad

...Applicant

Versus

The State of Maharashtra

...Respondent

**WITH
BAIL APPLICATION NO.4101 of 2021**

Mrs. Pratibha Sandeep Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Ashok Chopra with Mr. Hitesh Jain, Mr. Deepak Patel i/b. Mr. Krishna R. Singh for the Applicants.

Mr. S.H. Yadav, APP for Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 21st MARCH, 2022.

P.C.:-

1. These are the applications for bail filed under Section 439 of the Cr.P.C. by the aforesaid Applicants, who are arrested in C.R.No. 417 of 2021 registered with Kalyan Railway Police Station, Kalyan for the offences punishable under Sections 306, 497, 504 and 506 r/w. 34 of the IPC.

2. The aforesaid crime was registered pursuant to the FIR lodged by one Rahul Jadhav, brother of the deceased Sandip Jadhav. The Applicant -Pratibha Jadhav is the widow of said Sandip and the Applicant-Balu is her brother-in-law. It is the case of the prosecution that Pratibha was having extra marital relationship with the Applicant-Balu and as a result of which the deceased Sandip committed suicide.

3. The allegations made in the FIR, even if taken at the face value, would not prima facie constitute an offence of abetment within the meaning of Section 107 of the IPC. Even otherwise the charge sheet has been filed and there are no justifiable grounds to detain the Applicant in custody pending trial, which is not likely to conclude in near future in view of large pendency of cases. The Applicants have roots in the society and are not likely to abscond.

4. Considering the above facts and circumstances, the applications are allowed on following terms and conditions:-

- (i) The Applicants are ordered to be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two sureties each in the like amount;
- (ii) The Applicants shall co-operate with the Investigating

Agency and report to the Investigating Officer as and when called for;

(iii) The Applicants shall not interfere with the witnesses or tamper with the evidence in any manner;

(iv) The Applicants shall keep the Trial Court informed of their current addresses and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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