



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

BAIL APPLICATION NO. 1747 OF 2023

PRADIP VITHAL KALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms. Kavita Pawar, for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

Mr. V.H.Khale-ASI, Karad Taluka police station present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 23, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 306, 420, 504, 506 of the Indian Penal Code registered on 02/02/2023 vide C.R. No.52 of 2023 with Karad Taluka Police Station.

The prosecution case is as under :

3. The victim committed suicide on 29/01/2023. The victim was desirous of joining Indian Army. The applicant joined the Indian Army sometime in 2017. The applicant assured the victim, his cousin

brother, that the applicant will help the victim getting employment in the Indian Army. From time to time, since July 2022, the victim sent a sum of Rs. 9 lakhs to the applicant for helping the victim to get a job in Indian Army. The applicant even paid a sum of Rs.2,90,000/- to the family of the victim on 29/11/2022. The victim did not get proper response from the applicant. The applicant started avoiding the victim. The applicant was simply not responding to the phone calls of the victim. The victim became depressed. It is the case of the prosecution that it is the applicant who has abetted the commission of the offence and responsible for the death of the victim.

4. Learned APP opposed the application. It is submitted that the applicant is responsible for bringing the victim to the stage of depression which ultimately led to the victim committing suicide. Learned APP invited my attention to the status of the victim on whats-app indicating that the applicant had cheated him and hence he has taken the extreme step. Learned APP also invited my attention to the whats-app conversation on record to submit that it is clearly indicating that the victim is cheated by the applicant and therefore, the victim had to take the extreme step.

5. The applicant was arrested on 03/02/2023 and is now in custody for almost 8 months. The investigation is complete. The

charge-sheet has been filed. In my opinion, having regard to the nature of accusations, whether the act of abetment by the applicant is of such a nature that the victim committed suicide because of it, is a subject matter of trial. The applicant will face the consequences of the trial if found guilty. The trial is likely to take some time. There are no criminal antecedents reported against him. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant – Pradip Vithal Kale in connection with C.R. No. 52 of 2023 registered with Karad Taluka police station shall be released on bail on his furnishing PR. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Karad Taluka police station once in three months on every first Monday of the concerned month commencing from November 2023 between 11.00 a.m. and 1.00 p.m.
- (e) The applicant shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(i) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)