

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1272 OF 2021

1. Kalpana B. Darekar
 2. Rahul B. Darekar
 3. Komal R. Darekar ...Applicants
 V/s.
 The State of Maharashtra and anr. ...Respondents.

Mr.Premkukmar N. Mishra a/w. Ms Ruchira P. Karve
 i/b.Mr.Mahendra V. Kawchale for the Applicants.
 Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 30.01.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No. 295 of 2021 registered at Shikrapur Police Station, Pune Rural for the offences punishable under Sections 306, 498 and 201 read with 34 of the Indian Penal Code (IPC).
3. This Court on 27 May 2021 passed the following order:
*" 1] Heard.
 2] Mr. Yogesh, the son of Applicant No.1 and brother of Applicant No.2 was married to deceased Chaitrali on 13.5.2015. Chaitrali, wife of Yogesh, committed suicide which has resulted in registering C.R. No.0295 for the offence punishable under Sections 201, 306, 498 read with Section 34 of the Indian Penal Code.
 3] I am informed that husband of the deceased i.e. Yogesh and his father Babu Shah are already arrested and are in PCR. It appears from record that the Applicants herewith were not residing with the deceased and Yogesh when incident occurred.*

Apart from above, there appears to be a partition suit pending between the parties i.e. Applicant No.2 Rahul, his father Babushah on one hand and the Accused Yogesh on the other.

4] In the aforesaid backdrop, case for grant of ad-interim protection is made out.

5] Issue notice to Respondents, returnable on 12th July, 2021.

6] The learned APP waives service of notice on behalf of the Respondents.

7] In the meantime, in the event of arrest of the Applicants in C.R.No.0295 of 2021 dated 02/05/2021 for the offence punishable under Sections 201,306, 498 read with Section 34 of the Indian Penal Code, they be released on executing P.R. Bond of Rs 25,000/- with one or two sureties in the like amount. They shall attend the concerned Police Station on 2nd and 4th June, 2021 between 10.00 A.M. and 12 Noon and thereafter as and when directed by the Investigating Officer till filing of the chargesheet. Applicants shall not try to influence the witnesses or tamper with the evidence. Two consecutive failures of the Applicants to attend the concerned Police Station would entail the prosecution to move for cancellation of bail of the Applicants”

4. The learned APP, on instructions, submits that the prosecution has filed the charge-sheet against the present applicants so also against the co-accused.

5. Even otherwise no specific *overt-act* is attributed to the present applicants. Considering the overall facts and circumstances, I am inclined to allow the present application. Accordingly, the interim order passed by this Court on 27 May 2021 is hereby confirmed.

6. Anticipatory Bail Application is disposed of.

[N.R.BORKAR, J.]