

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1789 OF 2023

Jyosna Suhas Tapkir ...Applicant

Versus

State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 3232 OF 2023

Shakuntala Dattatray Kamthe ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Abhijeet Desai, a/w Karan Gajra, Daksha Panghera and
Vijay Singh, i/b Desai Legal, for the Applicant in
ABA/1789/2023.

Mr. Shreyas Adyanthaya, for the Applicant in
ABA/3232/2023.

Ms. Anamika Malhotra, APP for the State/Respondent.
HC Hemant Dumbre, Dighi Police Station, Pimpri-
Chinchwad, present.

CORAM: N. J. JAMADAR, J.
DATED: 12th DECEMBER, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. These applications are for pre-arrest bail in connection with CR No.25 of 2023 registered with Dighi Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 304, 114, 504, 506 and 298 read with Section 34 of the Indian Penal Code, 1860.

3. By an order dated 28th June, 2023 passed in ABA/1864/2023 this Court had granted interim protection opining *inter alia* that the role attributed to the applicant is that of manhandling the deceased. In ABA/3232/2023 interim bail came to be granted to the applicant Shakuntala Dattatray Kamthe by an order dated 10th November, 2023 on the basis of the aforesaid dispensation given to co-accused Jyosna Tapkir.

4. The learned APP fairly invites the attention of the Court to the opinion of the Medical Officer as to the cause of death. The learned Counsel for the applicant in ABA/1789/2023 invited the attention of the Court to the observations of the learned Additional Sessions Judge in the order dated 17th February, 2023, whereby the co-accused were released on bail, to the effect that there was *prima facie* no evidence to show that the accused had intention to kill the deceased and the opinion as to the cause of death was then awaited.

5. The learned Medical Officer has opined that the deceased died due to myocardial infarction with complicated coronary atherosclerosis of left coronary artery associated with chronic liver parenchymal disease with portal hypertension.

6. In view of the aforesaid opinion, the very factum of the unnatural death of the deceased enters into the arena of controversy. I am, therefore, impelled to make the orders of interim bail absolute.

7. Hence, the following order:

: O R D E R :

(i) Interim bail order dated 28th June, 2023 in ABA/1789/2023 and interim bail order dated 10th November, 2023 in ABA/3232/2023 are made absolute on the terms and conditions incorporated therein.

(ii) The applicants shall regularly attend the proceedings before the jurisdictional Court.

(iii) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Applications stand disposed.

[N. J. JAMADAR, J.]