



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2593 OF 2023**

Vishal Sakharam Powar	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. A. Karim Pathan, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. Vikramsingh K. Patil, API Sahar Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 17 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.336 of 2023 registered with Sahar Police Station for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code.
3. By an order dated 12 September 2023, this Court was persuaded to grant interim bail recording, inter alia, as under :

“3.The husband of the first informant died by suicide on 24th June 2023. On 25th June 2023 the brother of the deceased allegedly checked the mobile phone of the deceased and found a video wherein the deceased had allegedly named the applicant as one of the persons who had subjected him to harassment and in the event he died, those persons shall be held responsible.

4. From the perusal of the transcript of the said Video, it appears that, the applicant has been named with reference to Supriya Travels. The Court is

informed that, the deceased was working with the Supriya Travels some time in the past. The allegations are primarily against co-accused Manish Singh and Sandip Kesarkar. In this view of the matter, whether there was a direct and proximate instigation or intentional aid by the applicant to commit the suicide by the deceased, arises for consideration and, therefore, I am inclined to protect the liberty of the applicant by granting interim bail.”

4. The learned Counsel for the Applicant submits that pursuant to the directions in the aforesaid order, the applicant had appeared before the Investigating Officer and co-operated with the investigation.

5. From the perusal of the allegations in the FIR, prima facie, it does not appear to be a direct or proximate act or commission on the part of the applicant which instigated the deceased or given an intentional aid to commit suicide. In any event, the custodial interrogation of the applicant does not seem to be warranted to facilitate further investigation. The applicant appears to have roots in Society. The possibilities of tampering with the prosecution evidence and fleeing away from justice appear to be remote. Hence, I am impelled to make the order dated 12 September 2023 granting interim bail to the applicant absolute.

6. Hence, the following order :

ORDER

(i) The order dated 12 September 2023 is made absolute on the terms and conditions incorporated therein.

(ii) The applicant shall henceforth appear before the Investigating

Officer as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The Application stands disposed.

(N.J.JAMADAR, J.)