

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 3059 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.11.04
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Ejaj Mohaddin Nadaf ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Pradeep Salgar, for the Applicant.
Mr. S. H. Yadav, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 31st OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.513 of 2023, registered with Vijapur Naka Police Station, Solapur, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 ("the Penal Code").
3. The marriage of the first informant was solemnized with the applicant on 27th June, 2006. They are blessed with two children. The applicant and his relatives allegedly subjected the first informant to cruelty in order to coerced her to meet

unlawful demand of property. The applicant allegedly suspected the fidelity of the first informant.

4. The learned Additional Sessions Judge was persuaded to exercise the discretion in favour of accused Nos.2 and 3; the sister-in-law and mother-in-law of the first informant. The learned Additional Sessions Judge declined to exercise the discretion in favour of the applicant opining the thorough investigation was required.

5. Evidently, the genesis of the offences is in the matrimonial dispute between the parties. Even if the allegations in the FIR are taken at par, it does not appear that custodial interrogation of the applicant would be warranted to facilitate further investigation.

6. The applicant appears to have roots in the society. Possibility of fleeing away from justice appears to be remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. Hence the following order:

: O R D E R :

(i) In the event of arrest of the applicant in CR No.513 of 2023, registered with Vijapur Naka Police Station,

Solapur, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

- (ii) The applicant shall cooperate with the investigation and attend Vijapuar Naka Police Station on 7th 8th and 9th November, 2023 in between 10.00 am. to 1.00 pm.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]