

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3392 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.12.07
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Ashok s/o Gema Rathod ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

Mr. Arjun Luke, a/w Shubham Budhvant, i/b Avishkar
Shelke, for the Applicant.

Smt. Ashwini Takalkar, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 6th DECEMBER, 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.618 of 2023, registered with Yerwada Police Station, Pune, for the offences punishable under Sections 363, 365, 368, 323, 504 and 506(2) read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3. The first informant was allegedly abducted by his father-in-law and other relatives of his wife, on the night intervening 4th and 5th September, 2023. The first informant was assaulted by the co-accused and taken to the house of

his father-in-law situated at Shahunagar Tanda, Post Bangali Pimpla, Taluka Gevrai, District – Beed, from Pune. Those persons allegedly assaulted the first informant at that place as well by means of fist and kick blows, at the house of his father-in-law.

4. *Prima facie*, the applicant is not alleged to be one of the persons, who had abducted the first informant from his house at Pune. The role attributed to the applicant is that of joining the co-accused in allegedly assaulting the first informant by fist and kick blows.

5. *Prima facie*, it appears that the genesis of the offences is in the matrimonial dispute between the first informant and his wife. Having regard to the nature of the accusation and the role attributed to the applicant, custodial interrogation of the applicant does not seem to be warranted to facilitate further investigation.

6. Hence the following order:

: O R D E R :

(i) In the event of arrest of the applicant in CR No.618 of 2023, registered with Yerwada Police Station, Pune, 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 Yerwada Police Station on 14th and 15th December, 2023 in between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.
- (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.]