

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

ANTICIPATORY BAIL APPLICATION NO. 3542 OF 2023

SANTOSH
SUBHASH
KULKARNI

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SANTOSH SUBHASH
KULKARNI
Date: 2023.12.21
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1. Amar Namdev Pawar
2. Sunita Namdev Pawar
3. Mangal Gorakh Chavan
Versus
The State of Maharashtra

...Applicants
...Respondent

Mr. Umesh Mankapure, a/w Stefy Dias, for the Applicants.
Mr. S. H. Yadav, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 18th 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.404 of 2023 registered with Atpadi Police Station, Sangli, for the offences punishable under Sections 498-A and 304-B read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. At the outset, the learned Counsel for the applicant, on instructions, seeks leave to withdraw the application qua Amar Pawar, applicant No.1 and Sunita Pawar, applicant No.2.

Leave granted.

4. Application stands dismissed as withdrawn qua Amar Pawar, applicant No.1, and Sunita Pawar, applicant No.2.

5. Tukaram Chavan, the first informant, is the maternal uncle of Monica (the deceased). The marriage of deceased was solemnized with Santosh Pawar, the brother of applicant No.1, and son of applicant No.2 Sunita. Applicant No.3 Mangal is the grandmother of Santosh.

6. The first informant alleged that after a couple of months of marriage the relatives of the husband and the deceased including application No.3 Mangal started to harass her for not doing the household work properly. There are allegations of unlawful demand of money qua the husband of the deceased. It is also alleged that the applicant Mangal had also harassed the deceased. Eventually, the deceased died in unnatural circumstances on 1st December, 2023.

7. The learned Counsel for the applicant submitted that there are omnibus allegations against the applicant Mangal alongwith co-accused. No specific role of a particular demand and harassment consequent to failure to meet the demand are attributed to applicant Mangal. She is 64 years old. In the circumstances, she deserves exercise of discretion.

8. The learned APP resisted the application.
9. I have perused the allegations in the FIR. Primarily the allegations are against the husband of the deceased and her immediate in-laws. The first informant has also alleged that the applicant had joined the husband and immediate in-laws of the deceased in harassing the deceased. However, those allegations appear to be of general and omnibus nature qua the applicant. Thus having regard to the nature of the accusation and the age of the applicant, I am persuaded to exercise the discretion in favour of the applicant.
10. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.404 of 2023 registered with Atpadi Police Station, Sangli, 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 Atpadi Police Station on 28th and 29th December, 2022 and 2nd and 3rd January, 2024 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.]