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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

4 ANTICIPATORY BAIL APPLICATION NO. 914 OF 2024

VISHNU KAILAS PALVE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondents

Mr. N. B. Narwade, Advocate for the applicant

Mr. N. B. Patil, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 13th AUGUST, 2024

P. C.

1. Heard the parties.

2. This application is by the accused No.5 for anticipatory bail in the event of arrest of applicant in connection with Crime No. 0448/2024 registered with Kotwali Police Station, Dist. Ahmednagar dated 04-04-2024 for the offences punishable under Sections 306, 323, 504 & 506 read with section 34 of the Indian Penal Code. Later on Section 212 of the IPC also came to be added. Offence is mainly against applicant

Nos. 1 to 4 who happens to be father and Paternal Aunts of one Bhagwat Palve who committed suicide. FIR is lodged by sister of deceased who happened to be daughter of main accused No.1 Anil Palve. It is alleged that Anil used to suspect paternity of the deceased saying that deceased is not his son and unless he gets DNA test done he will not accept deceased as his son. Accused No. 2 to 4 also used to support Anil. Anil on his suspicion even did not allow the deceased to stay with him. It is for this reason, the deceased committed suicide. So far as allegation against the present applicant is concerned, it is alleged that he tried to screen the offender Anil. He helped accused Anil a shelter at his place and later on gave him some amount and asked him to go to other places.

3. It is argued that at the most the offence is under section 212 against the present applicant where the punishment is not more than three years, since the main offence is not punishable with capital punishment. It is seen that offence is bailable. Still the application came to be rejected by the learned

Sessions Court only because offence alleged in the FIR is serious. The learned advocate for the applicant prayed for allowing the application.

4. Learned APP vehemently opposed the application stating that role of the applicant is writ large in view of the statement of one Uttam Shirsat who happens to be relative of accused No.1 and the present applicant. He stated before the police that the present applicant helped Anil who hide himself and thereafter he is sent for Saptashrungi Darshan at Wani, Nashik. This made applicant arrangement by providing him some amount. He further submits that there are criminal antecedents. Present applicant is shown as accused in six different offences in the same police station. Three of the offences are under Prohibition Act and on one of the offences he also booked for offence under Arms Act. It is further seen that the present applicant also provided his vehicle to accused No.1.

5. Going by the allegations, it is seen that the offence

alleged against present applicant is punishable at the most with three years. Offence is cognizable and bailable. Under such circumstances, though there are criminal antecedents and looking to the gravity of the offence, this court is inclined to allow the application. Hence, the following order:-

ORDER

- a] The application stands allowed.

- b] The applicant be released in the event of his arrest in connection with Crime No. 0448/2024 registered with Kotwali Police Station, Dist. Ahmednagar dated 04-04-2024 for the offences punishable under Sections 306, 323, 504 & 506 read with section 34 and 212 of the Indian Penal Code , on furnishing PB of Rs.15,000/- [Rupees Fifteen Thousand Only] with one solvent surety in the like amount, on following conditions:

- i] The applicant shall attend the concerned police station as and when

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called by the Investigating Officer.

ii] The applicant shall give his residential address, mobile number etc.

to the Investigating Officer.

C] With this, the application stands disposed off.

[KISHORE C. SANT, J.]

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