

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 245 OF 2024

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2024.04.30
14:58:04 +0530

Nilkanth Ram Jadhav ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Vikrant Phatate, for the Applicant.
Mr. Prashant Jadhav, APP for the State/Respondent No.1.

CORAM: N. J. JAMADAR, J.
DATED: 29th APRIL, 2024

PC:-

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.768 of 2023 registered at Mohol Police Station, Solapur, for the offences punishable under Sections 306 and 498A of the Indian Penal Code, 1860 ("the Penal Code").
3. By an order dated 28th March, 2024, this Court has granted interim bail to the applicant observing *inter alia* as under:

"4. The learned counsel for he applicant, at the outset, submitted that the co-accused, who are the relatives of the applicant, have been granted pre-arrest bail. There is a delay in lodging the FIR. Though there are allegations of unlawful demand of money in the year 2020, there is no material to indicate that after the alleged demand in the

year 2020 the applicant had subjected the deceased to harassment in order to coerce her to meet unlawful demand.

5. Prima facie, it appears that the deceased, the applicant and his relatives had shifted to Patkul, Tal. Mohol prior to 10 days. On the night prior to occurrence, the deceased had called her parents and informed them that their hut had caught fire. On the next day the deceased died as she fell in the Well. The autopsy surgeon noted only one abrasion on the stomach of the deceased and opined that the deceased died due to drowning.

6. In the circumstances, whether the death is attributable to the instigation or intentional aid by the applicant, deserves consideration. Since the co-accused have been granted pre-arrest bail and there does not prima facie seem proximity of time between the allegation of unlawful demand in the year 2020 and the incident in question, it may be expedient to grant interim protection to the applicant while directing him to join in the investigation.”

4. The learned Counsel for the applicant submits that pursuant to the aforesaid order the applicant has appeared before the Investigating Officer and cooperated with the investigation. Having regard to the nature of the accusation and the circumstances of the case, further custodial interrogation of the applicant does not seem warranted. I am, therefore, impelled to make the order of interim bail absolute.

5. Hence, the following order:

: O R D E R :

(i) Order of interim bail dated 28th March, 2024 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) In the event the charge-sheet is lodged, the applicant shall regularly attend the proceedings before the jurisdictional Court.

Application stands disposed.

[N. J. JAMADAR, J.]