

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1917 OF 2023

Pandurang Ramchandra Gaikwad ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Satyavrat Joshi I.by Mr. Shubham Mhatre, for the applicant.

Mr. Pandurang H. Gaikwad, APP for the State.

CORAM : ANIL S. KILOR, J.

DATE : 10TH JUNE, 2024.

PC:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.742 of 2019, registered with Akluj Police Station for the offences punishable under Sections 302, 304-B(1), 304-B(2) read with section 34 of Indian Penal Code.

3. Learned counsel for the applicant points out except the evidence that the applicant who is 63 years of age was present in the house on the date and time of the incident, there is no evidence against the applicant who happens to be father-in-law of the deceased. It is submitted that the post-mortem report shows that the death of

cause is by way of throttling and from column no. 17 it is evident that it was committed by one person. It is submitted that in addition to above referred factors the period of incarceration needs to be considered coupled with the fact that the charge-sheet is already filed.

4. On the other hand learned APP strongly opposes the application and submits that on the date and time of the incident the applicant was present in the house and there was mobile conversation of the accused no. 1 which shows that the offence was committed for non-fulfillment of demand of dowry.

5. In the light of the rival contentions, I have perused of the charge-sheet. Except the fact that on the date and time of the incident the applicant was present in the house where the alleged incident took place, no other material is pointed out to show the involvement of the applicant in the alleged offence.

6. In the circumstance, considering the age of the applicant and also the fact that the investigation has already been completed and the charge-sheet is filed, I am of the opinion that the applicant is entitled for grant of bail. Moreover, the applicant is in jail about two years. Accordingly the application is allowed on following terms.

O R D E R

- i) Criminal Application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.742 of 2022, registered

with Akluj Police Station for the offences punishable under Sections 302, 304-B(1), 304-B(2) read with section 34 of Indian Penal Code on furnishing P.R.Bond of Rupees Fifteen Thousand with one solvent surety in the like amount;

iii) The applicant shall attend the concerned Police Station on 1st day of every month between 3.00 p.m. to 4.00 p.m., till the trial is concluded;

iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;

vi) The applicant shall attend the trial before the Special Court regularly on every date unless exemption is granted by the Special Court.

7. The Criminal Application is disposed of accordingly.

(ANIL S. KILOR, J)