

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3479 OF 2023

Devini @ Devyani Kundalik Shembade and Anr. ...Applicants

vs.

The State of Maharashtra ...Respondent

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SUBHASH
PAREKAR

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Mr. G.S. Patil a/w. Pravin Dabade and Mr. Akash Ahire, for the Applicants.

Mrs. Mahalaxmi Ganapathy, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : JULY 4, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.796 of 2023 registered with Mangalwedha Police Station for the offences punishable under Sections 306, 323, 506 read with Section 34 of the Indian Penal Code.
3. On 13th December, 2023 this Court had granted interim bail after recording reasons, inter alia, as under:-

4] Perused the allegations in the FIR. Prima facie, it appears that there was a dispute between the first informant and the applicants over the sale of the agricultural land by the deceased, who was the son of the first informant to the applicants allegedly by setting up an impersonator. FIR also refers to the said fact that the applicants had lodged a report against the first informant in respect of an incident which had occurred on 15 September 2023 for the offences punishable under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the first informant was detained in connection with the said offences. The first informant alleged that as the applicants demanded immediate repayment of the money which was advanced by the applicants along with the interest, as part of illegal

money lending business, and threatened to put the deceased behind the bars, the latter died by suicide.

5] In the backdrop of the aforesaid nature of the accusation and the animosity between the parties over the transaction, till the application is decided after providing an opportunity to the prosecution, liberty of the applicants deserves to be protected.

4. The learned counsel for the applicants, on instruction, submits that the applicants have appeared before the investigating officer and cooperated with the investigation.

5. The learned APP sought time to take instructions.

6. However, having regard to the nature of accusation and the reasons which weighed with this Court while granting the interim bail to the applicants and the time lag, I am impelled to make the order of interim bail absolute.

Hence, the following order.

ORDER

1] The order of interim bail dated 13th December, 2023 is made absolute on the terms and conditions incorporated therein.

2] The applicants shall attend the investigating officer as and when directed.

3] The applicants shall regularly attend the proceedings before the jurisdictional Court.

Application disposed.

(N. J. JAMADAR, J.)