

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.157 OF 2024

Mr. Akshay Dyaneshwar Kadgi ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

INTERIM APPLICATION NO.287 OF 2024
IN
BAIL APPLICATION NO.157 OF 2024

Nitin Vasant Indapure ...Applicant

In the matter between

Mr. Akshay Dyaneshwar Kadgi ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Chaitanya Dixit a/w Dhananjay Bhosale, for the Applicant.

Mr. P. H. Gaikwad, APP, for the Respondent-State.

Mr. Hrishikesh Shinde, for the Intervener in IA/287/2024.

CORAM : MADHAV J. JAMDAR, J.

DATED : JANUARY 31, 2024

P.C.:

1. Heard Mr. Dixit, learned Counsel appearing for the Applicant, Mr. Gaikwad, learned APP appearing for the Respondent-State and Mr. Shinde, learned Counsel appearing for the Intervener.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	792 of 2023
2	Date of Registration of F.I.R.	27/11/2023
3	Name of Police Station	M.I.D.C. Police Station, Solapur
4	Section/s invoked	306 & 34 of the <i>I.P.C., 1860</i>
5	Date of incident	21/11/2023
6	Date of arrest	27/11/2023
7	Date of filing Charge-sheet	25/01/2024

3. The prosecution case as reflected in the F.I.R. and the statements of the witnesses is as follows :-

(i) Accused No.3 is the wife of deceased. The said Accused No.3 was in a relationship outside of marriage with Accused No.1 and therefore the deceased, who was the husband of Accused No.3, took objection to the said relationship. Therefore, the Accused No.3 went to reside at her father's residence. The deceased had travelled to Pune to visit his father-in-law's house to bring the Accused No.3-wife, back to her matrimonial home. At that time, some altercations occurred and the Accused No.3-wife threatened to kill her husband i.e. the deceased, if he ever visits her father's house again.

(ii) On 21st November 2023, it was discovered that the

deceased had died by suicide. At that time, a written note was recovered wherein he has stated that Accused Nos.1 to 4 have mentally pressurised him and therefore he died by suicide. The F.I.R. is lodged against four persons. Accused No.4 is the father-in-law of the deceased and the Accused No.2 i.e. present Applicant is the brother-in-law of the deceased.

4. It is the contention of Mr. Dixit, learned Counsel appearing for the Applicant that as far as the present Applicant is concerned who is the brother-in-law of the deceased, he has no actual role and that merely because his name was mentioned in the said written note, he has been arrested.

5. Mr. Gaikwad, learned APP strongly opposes the Bail Application on the ground that in the suicide note, specific allegations are made against the present Applicant.

6. Mr. Shinde, learned Counsel appearing for the Intervenor submitted that due to the mental harassment inflicted by the Applicant, the deceased has died by suicide.

7. The paragraph no. 9 of the Order dated 16th January 2024 passed by this Court in Criminal Bail Application No.195 of 2024 filed by Accused No.3-wife of the deceased is relevant which reads as under:

“9. It is to be noted that **although the incident occurred**

on 21st November 2023, the F.I.R. has been lodged on 27th November 2023. It is apparent that the relations between the Applicant and deceased were not cordial and in fact the Applicant has filed proceedings seeking divorce at Family Court at Pune and thereafter the deceased had filed proceeding for restitution of conjugal rights in the Family Court at Solapur.”

8. It is an admitted position that the investigation has been completed and Charge-sheet has been filed on 25th January 2024. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The Applicant does not have any criminal antecedents.

9. Accused No.4, the father-in-law of the deceased, has been granted Anticipatory Bail by the learned Trial Court. The Accused No.3-wife of the deceased has been granted bail by this Court by Order dated 16th January 2024.

10. Mr. Dixit, learned Counsel appearing for the Applicant states that the Applicant is the resident of Pune and as several witnesses are from Solapur District, the Applicant will therefore not reside within Solapur District and that the Applicant will reside at 31/3/3, Prakurti Apartment, Plot Number 8, Ganeshnagar, Gulabnagar, Dhankawadi, Pune-411 043.

11. The Applicant does not appear to be at risk of flight.

12. Accordingly, the Applicant can be enlarged on bail by

imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Akshay Dyaneshwar Kadgi be released on bail in connection with C. R. No.792 of 2023 registered with the M.I.D.C. Police Station, Solapur, District-Solapur on his furnishing P. R. Bond of Rs.25000/- with one or two sureties in the like amount.
- (b) The Applicant shall not enter the Solapur District after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Dhankawadi Police Station, Pune, District-Pune once every month, on first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Dhankawadi Police Station, Pune, District-Pune to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall

not seek unnecessary adjournments thereat.

- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. In view of disposal of the Bail Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]