



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3354 OF 2023

Nirgun Bholanath Tikhande ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Pandit Kasar, Advocate, for the Applicant.
Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.
Mr. Shyam Maske, A.P.I., Talegaon MIDC Police Station, Pune present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 8th APRIL 2024

P. C.:

1. Heard Mr. Kasar, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for the Respondent-State.
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.	155 of 2023
2.	Date of registration of F.I.R.	05/07/23
3.	Name of Police Station	Talegaon, District-Pune
4.	Section/s invoked	306, 323, 498A and 504 of the Indian Penal Code, 1860

5.	Date of incident	03/07/23
6.	Date of arrest	05/07/23
7.	Date of filing of Charge-sheet	29/08/23

3. As per the prosecution case, the Applicant had married the deceased on 18th November 2021 and the incident in question occurred on 3rd July 2023. Before that, as there were demand for money accordingly, an amount of Rs.40,000/- had been sent to the account of the deceased on 10th April 2023. Further, an amount of Rs.10,000/- and Rs.20,000/- were sent to the account of the Applicant on 24th May 2023 and 25th May 2023 respectively.

4. It is the contention of Mr. Kasar, learned Counsel for the Applicant that in fact, the marriage was in fact a love marriage and the same was solemnized against the wishes of both families. He submitted that the Applicant and the deceased were in fact happily residing together. He submitted that the Applicant is not involved in the offence in question and there are no criminal antecedents against the Applicant.

5. On the other hand, Mangaonkar, learned APP for the Respondent-State strongly opposed the Bail Application. He

submitted that due to the constant demands for money, the deceased died by suicide.

6. Perusal of the record shows that in the present case, the incident in question occurred on 3rd July 2023, F.I.R. was lodged on 5th July 2023, Applicant was arrested on 5th July 2023 and, Charge-sheet was filed on 29th August 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 19 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. Mr. Kasar, learned Counsel for the Applicant submitted that there are no criminal antecedents against the Applicant. Mr. Mangoankar, learned APP confirmed the said statement.

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

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

10. In view thereof, the following order:-

ORDER

- (a) The Applicant – Nirgun Bholanath Tikhande be released on bail in connection with C.R. No.155 of 2023 registered with the Talegaon MIDC Police Station, District - Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) 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.
- (c) The Applicant shall report to the Talegaon MIDC Police Station, District - Pune on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (d) 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.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

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

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]