

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1647 OF 2024

Amod Prakash Brijraj SinghApplicant

VERSUS

State of MaharashtraRespondent

Mr. Meghashyam Kocharekar, for Applicant.

Ms. Rutuja A Ambekar, APP for Respondent No.1-State.

Mr. Ashish Chavan, with Mr. Akash Kotecha and Mr. Shakti Kolekar, i/b
M/s. Law Supremus, for Informant.

CORAM : MANISH PITALE, J.

DATE : OCTOBER 14, 2024

P.C. :

1. Heard, learned Counsel for the Applicant and learned APP for the State.
2. By an Order dated 25th June 2024, this Court had granted interim order in favour of the Applicant subject to specific conditions, including the direction to remain present before the Investigating Officer on 27th and 28th June 2024 and thereafter as and when called by the Investigation Officer.
3. This Court informed that the Applicant did appear before the Investigation Officer and cooperated with the Investigating Officer.
4. The learned APP further informs this Court that final opinion on cause of death has been received and it records that strangulation is ruled out while death by hanging is possible with soft material like odhani.
5. While granting interim order in favour of the Applicant by an Order dated 25th June 2024, this Court had recorded its reasons as follows:

“10. It is pertinent to note that even as per the informant, such incidents of harassment concerning loss of investments in the share market led to amounts being deposited by the father of the victim in her account, in order to placate the applicant. It is stated that even such amounts were again invested by the victim, which caused further loss and further harassment to the victim at the hands of the applicant. Prima facie it appears that if this was the reason for harassment soon before the incident, it was illogical that such amounts instead of being made over to the applicant, who was apparently upset with such financial losses, were deposited in the account of the victim, who despite having suffered such losses and faced harassment in the hands of the applicant again invested such amounts leading to further financial losses and more reason for the applicant to inflict harassment on her. The last such incident of amount being deposited is stated to be 29th April 2024 and the incident in question happened on 3rd May 2024. The FIR was lodged seven days after the incident, which is a factor to be taken into account.

11. The learned APP placed much emphasis on the statement of the elder son of the applicant recorded under Section 164 of the Cr.P.C. on 27th May 2024, wherein for the first time an allegation has come on record that the applicant committed murder of the victim. Yet, till date, offence under Section 302 of the IPC has not been added. As on today, the FIR in respect of which the applicant is seeking relief in the present application records offences only under Sections 306, 323, 504 and 506 of the IPC.

12. As regards the alleged suicide note and requirement of custody of the applicant to take samples of his handwriting, appropriate directions can be issued to ensure that the applicant appropriately cooperates with the investigation. Nonetheless, a case for grant of interim relief is made out.”

6. Considering final opinion as regards the cause of death, this Court finds that allegations regarding offence under Section 306 of the Indian Penal Code may be relevant. But for, above quoted reasons recorded in the interim order, this Court is of the opinion that the Application itself can be allowed, particularly when the Applicant is indeed cooperating with the investigation.

7. In view of the above, the interim order dated 25th June 2024 is confirmed and the Application is allowed.

8. The Applicant shall continue to cooperate with the investigation and specific conditions at (d) and (e) recorded in the interim order dated 25th June 2024 shall continue to operate.

9. The Application is disposed of in these terms.

(MANISH PITALE, J.)

Arun Sankpal