

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1256 OF 2024

Pravin Ashok Kadam

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH
INTERIM APPLICATION NO. 1628 OF 2024

- Ms. Anjali Awasthi, for Applicant.
- Mr. Kiran C. Shinde, APP for State.
- Ms. Bushra Sayed, for Applicant in IA/1628/2024.
- Ms. Rajashree Pravin Kadam, First Informant.

CORAM : MANISH PITALE, J.

DATE : 27th JUNE, 2024.

P. C. :

1. The applicant in this case is facing allegation of having committed offences under Sections 307 and 397 of the Indian Penal Code. The charges-sheet has been filed. The applicant was arrested on 31st July, 2023 and he has remained behind bars since then.

2. The informant in the present case is the wife of the applicant. The informant has filed an application for intervention, which is listed along with the application for bail.

3. The learned counsel appearing for the intervenor – informant submits that there were matrimonial disputes between the applicant and the

informant. It is further stated that with passage of time, the parties have settled their *inter se* disputes. In that light, an affidavit of the informant is filed along with the application for intervention, wherein it is stated that the informant does not have any objection to the prayer for bail being granted. In fact, it is stated that the FIR came to be registered due to misunderstanding and anger. It is further stated that the applicant and informant have two sons aged 9 years and 13 years. The intervenor – informant is personally present in Court and she is submitted to this Court that she is indeed agreeable to the applicant being granted bail. She has also stated in the affidavit that she has sworn the affidavit on her own and without any coercion from anyone.

4. Considering the fact that the applicant and the informant are husband and wife and the roots of the dispute appear to be matrimonial discord and in the light of the fact that the informant herself is present in Court today stating that she has no objection to the present application being allowed, this Court is inclined to allow the application.

5. In view of the above, the application is allowed in the following terms :

- (A) The applicant shall be released on bail in connection with First Information Report No.0537 of 2023, dated 31st July, 2023 on furnishing P.R. bond of ₹ 10,000/- and one or two sureties of like amount, to the satisfaction of the

Trial Court.

- (B) The applicant shall cooperate with the proceedings before the Trial Court.
- (C) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.
- (D) The applicant shall attend the Trial Court proceedings on each and every date, except when specifically exempted by the Trial Court.
- (E) The applicant is permitted to furnish cash bail in the sum of ₹ 10,000/-, within a period of two weeks in lieu of surety.

6. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

7. It is made clear that the observations made in this order are limited to the question of grant of bail to the applicant and that the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8. The application is disposed of.

(MANISH PITALE, J.)