

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1943 OF 2024

Magan Kishan Tupe	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Amit Icham for Applicant
 - Mr. Balraj B. Kulkarni, APP for State
 - Mr. N.K. Bhoigad, PSI, Ulhasnagar Police Station.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 6, 2025

P. C.:

1. Heard Mr. Icham, learned Advocate for Applicant and Mr. Kulkarni, learned APP for State. Due to urgency mentioned, filing of Interim Application stands dispensed with.

2. Mr. Inchan filed urgent praecipe on 03.03.2025 informing the Court that the elder brother of the Applicant has expired due to suicide, hence he persuaded the Court to grant interim bail to the Applicant for performing last rituals / rites of his elder brother. Applicant is presently lodged in Adharwadi Jail in Kalyan.

3. Mr. Icham has also placed before me a decision of this Court in the case of *Harsimransingh Ajitsing Sethi Vs. The State of Maharashtra* passed in Interim Application No.5367 of 2024 decided on 03.01.2025 in a somewhat similar case. In that case, it is seen that the anti-

terrorist squad, Kalachowki Unit filed the FIR against the Applicant and this Court permitted the Applicant to attend the final rites of his mother who had passed away more than 14 days before passing of the order. He has also referred to and relied upon the order dated 08.01.2025 passed by this Court in Interim Application No. 93 of 2025 taken ou in Bail Application No. 4492 of 2024 in similar circumstances.

4. Pursuant to the order dated 04.03.2025, the said fact has been confirmed by the concerned Investigating Officer (IO) and accordingly has been apprised to the Court through the learned APP.

5. In view of the above, Application on praecipe dated 03.03.2025 is allowed in the following terms:-

- (i) Applicant shall be released on interim bail for the period from 07.03.2025 at 10.00 a.m. till 12.03.2025 in CR No. 32/2022 registered with Ulhasnagar Police Station, Dist. Thane upon furnishing cash surety of Rs. 25,000/- and he shall file an undertaking on affidavit giving all details of persons and addresses where he shall be staying during the aforesaid period;

- (ii) During the period of interim bail, Applicant shall report to the Ulhasnagar Police Station every day;
- (iii) Applicant shall provide to the Investigating Officer with his proposed residential address and mobile number; He shall surrender his passport, if any, before the Investigating Officer;
- (iv) Applicant shall surrender to the jail authorities on 12.03.2025 at 06.00 p.m.;
- (v) Applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

6. Urgent Application on praecipe stands disposed of.

7. Place the Bail Application on board for hearing on **3rd April, 2025.**

[MILIND N. JADHAV, J.]

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