

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3466 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Dr. Santosh Ganpat Pawar ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Niteen Pradhan, a/w Shahren Pradhan, for the Applicant.
Mr. S. H. Yadav, APP for the State/Respondent No.1.
PSI S. K. Khairnar, Nalasopara Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED : 8th JANUARY, 2025

PC:-

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with CR No.278/2019, registered with Nalasopara Police Station, Mira-Bhayander for the offences punishable under Sections 363, 370(5) and 372 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").
3. At the outset, the learned Counsel for the applicant submits that the co-accused have been granted pre-arrest bail by this Court. The complicity of the applicant has allegedly emerged during the course of investigation. Attention of the Court was invited to the statement of Yogesh More, the then PSI, who states that it transpired during the course of interrogation

of the co-accused that the new born child was delivered to the applicant and Neelam Vishwakarma, the co-accused, who has been released on bail. The learned Counsel further submitted that the statements of those co-accused were initially recorded as witnesses before the learned Magistrate under Section 164 of the Code of Criminal Procedure, 1973 and in those statements no such role has been attributed. Eventually, those persons have been arraigned as accused.

4. *Prima facie* it appears that the complicity of the applicant hinges upon the statements which were made by the co-accused in the presence of the police. Apart from the said statements, there does not appear any material to implicate the applicant in the alleged offence. In these circumstances, the liberty of the applicant deserves to be protected while directing him to join in the investigation.

5. Hence, the following order:

: O R D E R :

(i) In the event of arrest of the applicant in CR No.278/2019, registered with Nalasopara Police Station, Mira-Bhayander, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

- (ii) The applicant shall co-operate with the investigation and attend Nalasopara Police Station on 16th 17th and 18th January, 2025 between 10.00 am. to 1.00 pm. and thereafter as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer
- (iv) Stand over to 27th January, 2025.

[N. J. JAMADAR, J.]