

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1035 OF 2025

Amol Dattaram Kadam

.. Applicant

Versus

State Of Maharashtra

.. Respondent

.....

- Mr. Vishal G. Salvi a/w Mr. Tejas Pawar, Advocates for Applicant.
- Ms. Rajeshree V. Newton, APP for State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2025

P. C.:

1. Heard Mr. Salvi, learned Advocate for Applicant and Ms. Newton, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 624 of 2024 registered with Vitthalwadi Police Station for the offence punishable under Sections 308(2), 74, 77, 78, 79 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, "**BNS**").

3. Present Application was heard on 11.03.2025 and following order was passed:-

"1. Heard Mr. Salvi, learned Advocate for Applicant and Ms. Newton, learned APP for State.

*2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 624 of 2024 registered with Vitthalwadi Police Station for the offences punishable under Sections 308(2), 74, 77, 78, 79, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, "**BNS**"). FIR is filed on 25.11.2024.*

3. *Applicant is arrested on 26.11.2024. Reading of the Application and the prosecution case emanating from the FIR prima facie shows that there are two precursor incidents with respect to the Applicant and the First Informant and her husband in question. In fact, Applicant is also relative of the First Informant and her husband. It seems that there were two transactions in respect of the Applicant due to which he was incensed, one when the Applicant had advanced an amount of Rs.1,50,000/- to the husband of First Informant for purchasing of flat in the year 2019 which he failed to return to the Applicant despite repeated requests and second a DSLR camera which was jointly bought by Applicant and First Informant's husband but was sold by the First Informant herself without the consent of Applicant. It is only when the wife of the Applicant visited house of the First Informant and demanded moneys in respect of aforesaid two incidents and reasons that the present FIR has been filed as a counterblast. This is what is argued by the learned Advocate.*

4. *When the FIR is perused, it is prima facie seen that an incident of the Applicant having outraged the modesty of the First Informant has been stated in the FIR of he having clicked 3 to 4 photographs while she was changing her clothes in the bedroom but the date of the incident is stated to be on one day during the last week of June, 2024. What is intriguing is the fact that in October, 2024 the wife of Applicant made repeated visits to the house of First Informant for demanding moneys and it is only on this account present FIR is filed this is what is argued by the learned Advocate for Applicant. FIR is lodged on 25.11.2024.*

5. *Learned APP shall take appropriate instructions as in the aforesaid facts I propose to hear and determine the Application on the next adjourned date.*

6. *Stand over to 17th March, 2025."*

4. I have heard learned Advocate for Applicant and learned APP for State and perused the record.

5. *Prima facie* it is seen that the incident which is alleged by the prosecutrix in the present case is of 24.06.2024, whereas FIR is filed on 25.11.2024. Prosecutrix in the present case is an adult woman

who is the relative of the Applicant rather she is sister-in-law of the Applicant.

6. Case of the prosecution which is delineated from the statement of First Informant - prosecutrix herself is that the Applicant had clicked 3 to 4 photographs of hers about some compromising position while she was changing her clothes in her bedroom on some day sometime in the last week of June, 2024.

6.1. *Prima facie* from the investigation conducted by the prosecution it has come on record that prosecutrix was incensed with the Applicant's wife having visited their house for seeking return of the moneys which were incidentally given by Applicant on loan to her husband and also about she asking her to share the monies after sale of the DSLR Camera without consent of Applicant and her husband.

6.2. That apart the issue with respect to husband of the prosecutrix and Applicant having purchased a high end DLSA camera being sold by the First Informant – prosecutrix without consent of her husband and Applicant is also brought on record by the prosecution. When Applicant and his wife reasoned with the prosecutrix about the same *prima facie* it appears that the present FIR has been filed as a counterblast.

7. Be that as it may, considering the statement of the prosecutrix which does not evince confidence of the Court in the above facts further custody of the Applicant is not required.

8. In view of the above *prima facie* observations, Bail Application is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing PR. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) Applicant is permitted to furnish provisional cash bail of Rs.15,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.15,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

(iii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;

(iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;

(v) Applicant shall attend the trial Court on first

Tuesday of every month between 11.00 a.m. and 01.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(vi) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(viii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

9. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being

uninfluenced with any of the *prima facie* observations made herein above in this order.

10. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]