

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.561 OF 2015**

Ganesh Mohanrao PatilApplicant.
Versus
The State of Maharashtra ...Respondent.

**WITH
BAIL APPLICATION NO.640 OF 2015**

Ajit Bhausahab Mulik and Anr. ...Applicants.
Versus
The State of Maharashtra ...Respondent.

**WITH
BAIL APPLICATION NO.542 OF 2015**

Pramod @ Kautuk Parshuram Sutar & Ors. ...Applicants.
Versus
The State of Maharashtra ...Respondents.

Mr. Girish Kulkarni i/by Mr. M.G.Shukla, advocates for the Applicants in Cri. B.A.No.561/2015.
Mr. Umesh R. Mankapure, advocate for the applicants in Cri.B.A.Nos.640/2015 and 542/15.
Mr. Arfan Sait APP for the respondent-State in Cri.B.A.No.561/2015 and 542/15.
Mr. S.S.Pednekar, APP for the State in Cri.B.A.No.640/2015.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : April 8, 2015.

P.C.:

1 All these bail applications are decided by one common order as they all are facing the same charges in one C.R. It is the case of the prosecution that Kishor is a son of the informant Gorakh Mulik. He was having affair with the daughter of the accused no.1 Parshuram. Parshuram and his family members did not like the same and, therefore, on 22.12.2014 Parshuram , his family members and associates, who are accused nos.2 to 12 assaulted Kishor, his brother Minanath with sticks, kicks. Then stripped off their clothes, paraded them naked in the street. Brother of the girl, who is accused no.2 tied nylon cord to the waist of Kishor and then brought them and again assaulted them near Maruti Temple and also assaulted mother of Kishor when she intervened. Then the applicant-accused Ganesh Patil instigated the other accused that we should not leave alive Kishor and he should be hanged publicly and the other two applicants-accused Amol Kulkarni and Sanjay Pawar tried to strangulate Kishor with the same nylon cord and tried to commit his murder. At that time police arrived and so they ran away. They were taken in custody immediately and hence, these bail applications.

2 The learned counsel for the applicants-accused have submitted that the applicants-accused had a reason to get provoked because Kishor not only abused the girl sexually but he took out video of their sexual relations and circulated it in the village. After coming across

this video, accused, who is father, mother, brother and other relatives of the girl got wild and, therefore, they assaulted him. It is further submitted by the learned counsel that in fact they tried to settle this dispute and applicant-accused Ganesh Patil, who is resident of that village tried to work as mediator but his attempts were not fruitful. It is further submitted that the injuries sustained by Kishor, Minanath and other persons were simple and they did not intend to kill Kishor. The learned counsel submitted that there are no criminal antecedents against the applicants-accused and therefore, they are entitled to bail. It is further submitted by the learned counsel that the girl has registered the offence against Kishor of committing rape and circulation of video and he is arrested and he is in the prison.

3 The learned prosecutor vehemently opposed the applications. He submitted that the applicants-accused had no respect for law and order. They took law in hand with a view to punish Kishor. He submitted that though Minanath has not done any wrong to them, they paraded Minanath also naked and assaulted. He further submitted that there was a mob of 200-300 people watching the entire incident. However, it is difficult for the police to get witnesses because of the terror of the applicants-accused. He submitted that if the applicants-accused are released now, the witnesses may get terrorized.

4 Perused the FIR, injury certificates and the statements of the witnesses. There were nine injuries found on the person of Kishor. One injury showing ligature like mark was seen on the neck. However, three head injuries caused to Kishor are grievous. Injuries caused to Minanath were of simple nature. It appears prima-facie from the record that the applicants-accused were provoked due to the relationship of the victim girl with the injured Kishor and there was circulation of obscene video film of the girl. It is also true that the applicants-accused do not have criminal antecedents. Considering these factors and the nature of injuries , applications for bail would have been considered positively. However, it is not only the case of assault but they have done heinous act of stripping off clothes from the person of Kishor and Minanath and have paraded them naked on public road. As per the submissions of the learned prosecutor, this incident was seen by a mob of about 200 villagers. However, police found it difficult to get the witnesses because of horrifying and shocking situation created by the applicants-accused. Considering the atmosphere in the village, I am of the view that these applications not be entertained at this stage. Let the panic and fear in the

village get pacified and then after three months, liberty is granted to the applicants-accused to move fresh bail applications. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)