

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1926 OF 2015

Yogesh Suryakant Borade .Applicant

v/s.

The State of Maharashtra .Respondent

WITH

BAIL APPLICATION NO.1962 OF 2015

Sachin Ramchandra Gholap .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Aniket U. Nikam, Advocate, for the Applicant
in B.A.No.1926 of 2015

Mr.Rajan Shirodkar i/b. Mr.Archit Sakhalkar,
Advocate, for the Applicant in B.A.No.1962 of
2015

Mr.S.S.Pednekar, APP, for the Respondent – State
in both matters

CORAM : REVATI MOHITE DERE, J.

DATE : 06.10.2015

P.C.

. Heard learned counsel for the
applicants and the learned APP for the
respondent – State.

2. By these applications, the applicants seek their enlargement on bail in connection with C.R.No.195 of 2015 registered with the Karmala Police Station, Solapur, for the alleged offences punishable under Sections 306, 506, 354(D)(1)(1) of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The said complaint has been lodged by Padmakar Ghanwate, a relative of the deceased. He has alleged in the said complaint that the deceased Navnath Borade was living in village – Kadegaon along with his family. He has stated that at the relevant time, 'S' (name withheld) was studying in the 12th Std at the Mahatma Gandhi, Junior college, Karmala, where the accused No.1 Waman Tukaram Shinde was a professor. He has stated that Sonali was also attending private tuition classes conducted by

the accused No.1 - Waman Shinde. According to the complainant, a 10 minute audio had gone viral on the social networking media, including on WhatsApp in Karmala. In the said audio, accused No.1 - Waman Shinde is alleged to have professed his love (one sided) for 'S'(name withheld). As the said audio became viral in the village, it is alleged that the Borade family, including the deceased, who was, Sonali's father, was under a lot of mental stress and tension. According to the prosecution, the said audio which was circulated had led to a lot of humiliation and loss of reputation of the Borade family. It is further alleged by the prosecution, that as far as the present applicants are concerned, they prevented Navnath Borade from lodging a complaint with the police station and demanded money from him to settle the matter with Waman Shinde. It is alleged that Navnath committed suicide by hanging himself in

his farm, on account of the aforesaid facts.

4. Learned counsel for the applicants state that a perusal of the complaint shows, that the applicants have not been named in the FIR nor any offence as alleged under Section 306 of the IPC is disclosed qua the applicants. They submitted that the only allegation is that the applicants acted as mediators to settle the dispute between the deceased – Navnath Borade and accused No.1 – Waman Shinde.

5. Learned APP relied on the statement of the victim to show the complicity of the applicants. He submits that the applicants prevented deceased – Navnath from lodging a complaint and tried to bring about a settlement between the parties.

6. Perused the papers, in particular, the statement of the daughter of the deceased. She has stated that the present applicants had prevented her father from lodging the complaint and had disclosed to him that they will find a solution to the said problem. No doubt, the incident which took place is extremely unfortunate. However, it appears, that the role assigned to the present applicants is, that they tried to mediate between the deceased and the accused No.1 - Waman Shinde and demanded money to settle the matter. According to the learned counsel for the applicants, Yogesh Borade, applicant in B.A.No.1926 of 2015 is the President of Tanta Mukti Samiti and Sachin Gholap, applicant in B.A.No.1962 of 2015 is a 'Thekedar'. Prima facie, at this stage, even if the case is taken as it is, it is doubtful whether the acts of the applicants would constitute an offence punishable under Section

306 of the IPC.

7. Considering the nature of allegations and the fact that the applicants have been in custody since their arrest, the applicants are granted bail on the following terms & conditions:

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall attend the Karmala Police Station, Solapur on every Saturday between 10:00 a.m. to 11.00 a.m. till the filing of the charge-sheet;

(iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

8. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the

observations made in this order.

All concerned to act on the
authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.