

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.114 OF 2015

Mangal Laxman Pawar	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Arvind Bhandare, learned Advocate for the Applicant.

Mrs. R.A. Ambekar, APP for the State.

Mr. V.S. Dhumal (PSI), Tokawade police station, Thane Rural present.

CORAM : P.D. KODE, J.

DATE : FEBRUARY 06, 2015

P.C.

. Heard.

2. The learned counsel for the charge sheeted accused No.1 in charge sheet submitted by Tokawade police station, Murbad against the applicant and four other persons for the commission of the offences punishable under Sections 302, 307, 326, 324 and 323 read with 34 of Indian Penal Code has

pressed the prayer for bail mainly on the count of the account of incident as revealed from the F.I.R., the statement of injured eye witness Mahesh Pawar and other witnesses reveals that it was not pre planned incident and occurred at the spur of moment due to the applicant and others being enraged after the first informant had approached them for questioning their act of teasing his daughter.

3. The learned APP has objected the prayer for bail on the ground that the incident has resulted in causing the death of one person and serious injuries to three other persons. The perusal of the charge sheet justifies the submission canvassed by the learned counsel for the applicant. Similarly, the perusal of the statement of injured eye witness Mahesh Pawar and so also the matters from the F.I.R. reveals that the assault was terminated after the rival party has sustained bleeding injuries. The said fact *prima facie*

militates the applicant intending to commit murder of the deceased.

4. Thus, considering all these circumstances, the discretion deserves to be exercised in favour of grant of bail. It deserves to be exercised accordingly having regard to the fact that the investigation is complete and charge sheet is filed and there are no antecedents of the applicant. However, having regard to the apprehension expressed by the learned APP that both parties are the resident of village Karchonde, Murbad it appears proper to impose certain conditions to take care that incident of similar nature does not reoccur in future.

5. The application is allowed. The applicant is directed to be released on bail upon furnishing P.R. Bond in sum of Rs. 1,00,000/- (One lac) with one or two sureties to make up like amount and

subject to the conditions that after release of the applicant,

(i) not entering the village Karchonde, Murbad and informing his place of abode to the investigating officer.

(ii) attending the investigating officer every alternate Monday in between 11 am to 1 pm.

(iii) not indulging in any activity of tampering the prosecution evidence and/or not indulging in any activity of coercing, threatening and pressuring the prosecution witnesses.

(iv) not misusing the protection granted by this order for fleeing away or for any other oblique purpose.

Application stands disposed of.

(P.D. KODE, J.)