

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO. 1377 OF 2015**

|                                    |                |
|------------------------------------|----------------|
| 1. Parshuram Shankar Sutar         |                |
| 2. Pramod @ Koutuk Parshuram Sutar |                |
| 3. Rajesh Mohan Kadam              |                |
| 4. Amol Balkrushna Kulkarni        |                |
| 5. Ajit Bhausahab Mulik            |                |
| 6. Sanjay Wasant Pawar             |                |
| 7. Ganesh Mohanrao Patil           |                |
| 8. Sanjay Ganapati Lohar           | ... Applicants |
| Vs.                                |                |
| The State of Maharashtra           | ... Respondent |

Mr. Karan Bhosale i/b. Mr. Ghansham S. Jadhav, Advocate for the applicants.

Mr. S.S. Pednekar, APP for the respondent/State.

I.O. Mr. A.B. Londhe, API, Kalegaon Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE : **JULY 29, 2015**

**P.C.:**

This is the second Bail Application moved before this Court. This Court by an order dated 8<sup>th</sup> April, 2015 granted liberty to the applicant/accused to move fresh Bail Application after three months. All the applicants are facing prosecution under sections 307, 341, 141, 143, 147, 148, 149, 500, 323 of the Indian Penal Code in C.R. No. I-81 of 2014 registered with Kadegaon Polcie Station.

2. One Gorakh Bhanudas Mulik gave information to the police that on 22<sup>nd</sup> December, 2014 between 8 to 9 p.m. his sons Kishor and Minanath were paraded naked by the applicants/accused and they were beaten up

by the applicants. Applicant/accused Ganesh Patil instigated other accused Ajit Mulik and Sanjay Pawar to strangle Kishor and, therefore, they with the nylon rope tried to kill Kishor. Pursuant to the information, the offence is registered at C.R. No. I-81 of 2014 at Kadegaon Police Station, Sangli. The applicants were arrested on 23<sup>rd</sup> December, 2014. Hence, this Bail Application.

3. The learned counsel for the applicants/accused submitted that the applicants/accused are falsely implicated in this case. Even assuming that the incident has taken place, the reason behind this, as alleged, reduce the rigor of the allegations. The daughter of applicant no. 1 has filed complaint against Kishor and Minanath, which is registered at C.R. no. I-82 of 2014 for the offences punishable under section 376, 366A, 506 r/w. 34 of the Indian Penal Code, under section 4, 6 and 12 of Protection of Children from Sexual Offences Act and under section 66E of the Information and Technology Act, 2000. Kishor, son of complainant, and daughter of applicant no. 1 were having affair and Kishor had circulated the obscene video film of Kishor and the girl in the village and, therefore, the applicants/accused got enraged and the incident has taken place in provocation. The learned counsel further submitted that in fact, as the time lapsed, the members of both the families, i.e. complainant and accused persons, have settled the matter with the help of villagers and they do not want to proceed with their respective cases. Therefore, the

applicants/accused had filed Writ Petition No. 1853 of 2014 for quashing and in the said petition, respondent nos. 2 and 3/parents of Kishor and Minanath were present and they filed affidavit that they have no objection for quashing the proceedings. However, respondent no. 1 opposed the same because the case against him which is under section 376A cannot be quashed. The learned counsel further submitted that now charge sheet is filed and, therefore, the applicants/accused be granted bail.

4. Learned APP opposed the application. He submitted that the parents of Kishor gave affidavit under pressure and the applicants/accused are likely to pressurize the witnesses.

5. Earlier by an order dated 8<sup>th</sup> April, 2015 this Court has rejected the Bail Application and in the said Application it is observed that the applicants/accused were provoked due to relationship of the victim girl and injured Kishor and there was circulation of obscene video film of the girl. Considering the manner in which the offence has taken place, a liberty was granted to the applicants/accused to move a fresh Bail Application. Now the charge sheet is filed. Kishor and Minanath are the witnesses to the incident. The investigation is complete. The applicants/accused have no antecedents. As submitted by the learned counsel that due to lapse of time, both the parties have agreed to be on a good terms, therefore, I am inclined to grant bail to the applicants/accused on the following terms and

conditions:

**ORDER**

- i) The applicants shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40,000/- each with one or two sureties in the like amount;
- ii) The applicants shall not tamper with the evidence or pressurize the complainant and his family members;
- iii) The applicants shall not indulge into any kind of offence while on bail.
- iv) The applicants shall make themselves available and attend all Court dates;
- v) The applicants shall not abscond and furnish their address to the police along with address proof.
- vi) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
- vii) The applicants shall not leave India without the prior permission of the Court.

6. The Application stands disposed of on above terms.

**(MRS.MRIDULA BHATKAR, J.)**