

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO.1391 OF 2015**

1. Santosh Vishwanath Rupnawar  
2. Sagar Shivaji Mote  
3. Mahesh Bapu Rupnawar  
4. Shankar Manik Mote  
5. Mahesh Arjun Bhandvalkar ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.S.P. Thorat for the Applicants  
Mr.J.H. Ramugade, APP, for Respondent – State

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

DATE: **JULY 24, 2015**

**P.C.:**

1. This application is moved for bail as the applicant/accused is facing charges under sections 143, 147, 354, 323, 504, 506, 452, 306 and 511 of the Indian Penal Code and under section 8 and 12 of the the Protection of Children from Sexual Offences Act, 2012 at C.R. No.88 of 2015 registered with Yawat police station, Daund, Pune. It is the case of the prosecution that the incident has taken place on 1.4.2015 at around 10.30am at Dapodi, Taluka Daund, District Pune, Tejaswini Bhandalkar, who is the deceased gave information to the police. At that time, the applicants/accused alongwith other co-accused arrived at the courtyard of the house of the complainant alongwith cement and cement poles, which

they wanted to erect in the courtyard. Therefore, the mother of the complainant resisted it. However, Pramod Shivaji Thorat slapped her mother and other co-accused started abusing and assaulting her with kicks and fist blows. The complainant therefore intervened and wanted to rescue her mother. At that time, Pramod and Somnath pulled her and dragged her in the room and tried to outrage her modesty. She escaped from them and warned them not to come forward else she would pour kerosene on herself and set on fire. The co-accused Pramod told her to pour kerosene and set herself on fire. She was scared and immediately poured kerosene on her and set herself on fire. Then, she started shouting. At that time, people in the neighbourhood gathered when the applicants/accused and the co-accused ran away. The applicants/accused were arrested on 2.4.2015 and the offence was registered. Hence, this application.

2. The learned Counsel for the applicant/accused submitted that the chargesheet is filed on 26.5.2015. He submitted that all these 5 applicants/accused have been attributed a general role of assaulting the mother of the complainant with fists and kicks. It was not a pre-meditated assault. No role is attributed to these 5 persons in respect of offence under section 354 or section 306 of the Indian Penal Code. He submitted that there are no antecedents. Hence, they be bailed out.

3. Learned Prosecutor has opposed the application and submitted that the case is under sections 306 and the name of the applicants/accused are mentioned. They have assaulted the mother of the complainant and they are responsible for her death.

4. Perused the FIR, the statements of the witnesses, statement of Mangal and mother of the complainant. It appears that the applicants/accused were present at the time of the incident. Their names are taken by the complainant and the eye witnesses. However, the role attributed to them is specific that they abused and assaulted the mother of the complainant with fists and kicks. The gravity of the offence is increased when the 2 co-accused Somnath and Pramod outraged the modesty of the complainant and thereafter instigated her to commit suicide. The applicants/accused who were there are not attributed this role. Therefore, considering that they were in prison since 1.4.2015, I am inclined to grant bail on the following conditions:

- i) The applicants/accused 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 pressurise the complainant or the witnesses in any manner;

- iii) The applicants shall not indulge into any kind of offence while on bail;
  - iv) In the event of change of address, the applicants/accused shall communicate the details thereof to the Investigating Officer.
  - v) The applicants shall attend on all the Court dates.
5. bail application is disposed of on the above terms.

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