Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1493 OF 2015

1. Pramod Shivaji Thorat
2. Somnath Vishwanath Rupnawar ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr. Shankar P. Thorat, Advocate for the applicants.
Mr. S.S. Pednekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 12, 2015**

P.C.:

This Application is moved for bail, as the applicants/accused are facing charges under sections 147, 354, 323, 504, 506, 452, 306, 511 of the Indian Penal Code and under sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012. The offence is registered at the instance of victim in C.R. No. 88 of 2015 at Yawat Police Station, District Pune on 2nd April, 2015.

2. It is the case of the prosecution that there is dispute between the family of the complainant and family of the applicants/accused in respect of courtyard. The applicant/accused wanted to erect cement poll in the courtyard which was objected by the mother of the complainant, therefore, the applicants/accused and co-accused assaulted her mother. At that time, complainant intervened, so the applicants/accused assaulted her also. They abused her by caste. They pulled her. She apprehended that

as her modesty is outraged, she would be sexually assaulted more. She warned the applicants not to come forward and touch her, otherwise she will pour kerosene on herself. The applicant/accused Pramod Thorat instigated her to burn herself by pouring kerosene. In order to save herself, the victim poured kerosene and set herself on fire. She sustained burn injuries. She was admitted to the hospital for treatment. Thereafter the offence was registered on 2nd April, 2015. The applicants/accused was arrested on the same day, i.e. 2nd April, 2015 and since then they are in prison. Hence, this Bail Application.

3. Learned APP opposed the Application. He relied on the injury certificate of the complainant. He further submitted that the applicants/accused have assaulted the complainant and her mother.

4. Perused the FIR, injury certificate of the complainant. Injury certificate discloses that she was hospitalized on 1st April, 2015. She sustained 20-25% superficial to deep burns injuries. The manner in which the incident has taken place, I am inclined to grant bail to the applicants/accused on the following terms and conditions:

O R D E R

(i) The applicants/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.40,000/- each with one or two sureties in the like amount.

(ii) The applicants shall not tamper with the evidence.

(iii) The applicants shall not harass, threaten or pressurize the complainant and her family members.

(iv) The applicants shall not indulge into any kind of criminal activity.

(v) The applicants shall make themselves available and attend all Court dates;

(vi) The applicants shall not abscond and furnish their address to the police along with address proof.

(vii) The applicants shall not leave India without the prior permission of the Court.

(viii) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

5. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)