

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

BAIL APPLICATION NO.1577 OF 2015

Mr. Hanumant Narsing Mitkar and anr.....Applicants.

vs.

The State of Maharashtra.

....Respondent.

Mr.V.V.Purwant for the Applicant.

Ms. P.P. Shinde, A.P.P. for the State.

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CORAM : A.S. GADKARI, J.**DATE : 8th December 2015****P.C. :**

The applicants are seeking bail in CR No.I-288/2014 registered with Kasarvadavali Police Station, Thane under section-302 read with 34 of the I.P.C.

2) The First Information Report dated 13.11.2014 has been registered by the co-worker of the deceased Rajesh Bodhi Saaw. In the said FIR, it has been stated that he saw the applicant No.1 giving fist and kick blows to the deceased and the applicant No.2 had assaulted the deceased with a bamboo stick. He therefore, intervened in the matter and took the injured Rajesh Bodhi at his home. While deceased was being taken to hospital he succumbed to the injuries. Subsequently, the complainant came to know that as the deceased had entered into the house of Smt. Sharda Masolkar who is the niece of the

applicant No.1 and tried to outrage her modesty, the applicants assaulted the deceased. During the course of investigation, the statement of Smt. Sharda Masolkar has been recorded. In her statement she has specifically stated that on 13.11.2014 between 2.00 to 2.30p.m. one person entered into her house and tried to outrage her modesty. At that time her grand mother was sitting in the court yard. Because of the sudden incident Smt. Sharda Masolkar got frightened and came out of her house and started shouting. Because of her shouts nearby residents of the said locality came out. When she informed the incident to the applicants they were enraged and assaulted the deceased with fist, kick blows and bamboo stick. The post mortem report indicates that the injuries caused to the deceased were abrasion and contusion over the body. The cause of death as has been mentioned in the post mortem report is due to hemorrhagic shock following the injury to vital organs. After completion of the investigation the police have submitted the charge sheet on 2.2.2015.

3) Thus, prima facie, it appears that the applicants did not have any intention to kill the deceased. However, as the deceased tried to outrage the modesty of the said Smt. Sharda Masolkar, the applicants beat the deceased with fist, kick blows and bamboo stick. In view of the above, prima facie case for bail

has been made out by the applicants. Hence, the following order.

ORDER

- a) The applicants shall be released on bail in CR No.I-288/2014 registered with Kasarvadavali Police Station,Thane on their furnishing PR bond of Rs.15,000/-each with one or two solvent sureties in the like amount.
- b) The applicants shall attend the Kasarvadavali Police Station on every first Monday between 10.00 a.m. to 12.00 noon till the conclusion of the trial.
- c) The applicants shall not tamper with the prosecution evidence and/or influence the prosecution witnesses.
- d) Application is disposed of in the above terms.

(A.S. GADKARI, J.)