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

BAIL APPLICATION NO.1916 OF 2015

Waman Tukaram Shinde ...Applicant

v/s.

The State of Maharashtra ...Respondent

Mr.Jaydeep D. Mane, for the Applicant.

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28th OCTOBER, 2015.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the respondent – State.

2. By this application, the applicant seek his enlargement on bail in connection with C.R.No.195 of 2015 registered with the Karmala Police Station, Solapur, for the alleged offences punishable under Sections 306, 506, 354(D)(1)(1) of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The said complaint has been lodged by Padmakar Ghanwate, a relative of the deceased. He has alleged in the said complaint that the deceased Navnath Borade was living in village – Kadegaon along with his family. He has stated that at the relevant time, 'S' (name withheld) was studying in the 12th Std at the Mahatma Gandhi, Junior college, Karmala, where the applicant - Waman Tukaram Shinde was a professor. He has stated that 'S' was also attending private tuition classes conducted by the applicant - Waman Shinde. According to the complainant, a 10 minute audio had gone viral on the social networking media, including on WhatsApp in Karmala. In the said audio, the applicant – Waman Shinde is alleged to have professed his love (one sided) for 'S'(name withheld). As the said audio became viral in the village, it is alleged that the Borade family, including the deceased, who was, 'S's father, was under a lot of mental stress and tension. According to the prosecution, the said audio which was circulated had led to a lot of humiliation and loss of reputation of the Borade family. It is further alleged by the prosecution, that Yogesh Borade and Sachin Gholap prevented the deceased Navnath Borade from lodging a complaint with the police station and demanded money from him to settle the matter with the applicant - Waman Shinde. It is alleged that Navnath

committed suicide by hanging himself in his farm, on account of the aforesaid facts.

4. Learned counsel for the applicant states that the applicant has been in custody since the date of his arrest i.e. from 22nd August, 2015. He states that co-accused – Yogesh Borade and Sachin Gholap 2014 have been enlarged on bail by this Court vide order dated 6th October, 2015. He submitted that the investigation is complete and charge-sheet is filed. He submitted that considering the nature of allegation, prima-facie, no offence under Section 306 is disclosed.

5. Learned APP states that the charge sheet in the said case was filed on 23rd October, 2015.

6. The incident that took place is extremely unfortunate, however, the fact remains that investigation is complete and charge-sheet is filed. Considering the nature of allegations, the applicant is granted bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in

the sum of Rs.15,000/- with one or two sureties in the like amount;

- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 11:00 a.m. to 12:00 noon for a period of 12 months from the date of his release ;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case ;
- (iv) The applicant to cooperate in the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)