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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 773 OF 2016**

Kisan Laxman Kayagude

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.V.V.Mohite, for the Applicant

Ms. R.M.Gadhavi, A.P.P for the Respondent-State

Police Constable - Rafiq M.Shaikh, Walchandnagar Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 27 of 2016, registered with the Walchandnagar Police Station, Pune, for the alleged offences punishable under Sections 354, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, and under Sections 3(1)(10) and 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under

Section 7(1)(d) of Protection of Civil Rights Act.

3. Learned Counsel for the applicant submits that the incident in question has taken place on 21st February, 2016 at about 11.30 a.m. It is alleged by the complainant – Sunita Kanase, that the present applicant came with a JCB along with other co-accused, outraged her modesty and assaulted Rekha Kanase with a stick on her head. He submitted that the applicant has been in custody since 21st February, 2016 and that there are civil disputes filed by the parties.

4. Learned APP has tendered a copy of the injury certificate of the injured - Rekha. It appears that there is one swelling contusion on right frontal region and swelling on left little finger. The injury is stated to be a simple injury.

5. Perused the papers. It appears from the FIR that the allegations are that the applicant outraged the modesty of complainant – Sunita, assaulted Rekha with a stick and is also stated to have uttered certain words which constitute an offence under the SCST Act. The applicant has been in

custody since 21st February, 2016.

6. Considering the relations between the parties and the injury certificate of the injured – Rekha, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the concerned Investigating Officer on every Saturday, between 10.00 a.m. to 11.00 a.m., till the filing of the charge sheet ;
- (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 shall inform his latest place of residence and mobile contact number immediately after being released and/or

change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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.