

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2375 OF 2016**

Siddhram @ Sonya Keshav Gaikwad	...Applicant
Versus	
State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 3 OF 2017
(For Intervention)
IN
CRIMINAL BAIL APPLICATION NO. 2375 OF 2016**

Santosh Namdeo Janmale	...Applicant/ Intervener
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IN THE MATTER BETWEEN :

Sidhram @ Sonya Keshav Gaikwad	...Applicant
Versus	
State of Maharashtra	...Respondent

Ms. P. P. Kakade i/b Mr. Subhash Hulyalkar for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

None for the Intervener

PSI Mr. M. A. Doke from Hadapsar Police Station, Pune, is present

**CORAM : REVATI MOHITE DERE, J.
THURSDAY, 6th JULY, 2017**

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 362 of 2016 registered with the Hadapsar Police Station, Pune, for the alleged offences punishable under Sections 307, 323, 324, 504, 506, 338, 143, 147, 148, 149 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the incident took place on 11th June, 2016 and that with respect to the said incident, a cross complaint, being C.R. No. 361 of 2016 has also been filed by the applicant's side, with the very same police station i.e. Hadapsar Police Station, alleging offences punishable under Sections 324, 323, 504, 34 of the Indian Penal Code. She submits that the incident has taken place at the spur of the moment. She further submitted that although, the injured-Suman had sustained an injury on 11th June, 2016, she expired on 26th March, 2017 i.e. after about 10 months. She submits that the applicant is in custody since June, 2016 and that investigation is complete and charge-sheet is filed.

4. Learned A.P.P opposed the application.

5. Perused the papers. It appears that a trivial quarrel took place on 11th June, 2016 at about 11:30 a.m. over drinking of water. In the evening, at about 11:30 p.m. when the complainant-Santosh Janmale was going towards his Vasti, Laxman Gaikwad came near his house and started abusing him. According to the complainant, there was a scuffle between the two and that Laxman started assaulting him with fist and kick blows. He has stated that Nandan Gaikwad, Rani Suryawanshi and the present applicant came to the spot and started abusing the complainant. The complainant has further stated that his mother-Suman (deceased), brother-Pradeep, sisters-Manisha and Asha came to the spot, to stop the fight. The complainant has further alleged that Laxman Gaikwad assaulted him with an iron pipe on his back and shoulder; Rani Suryawanshi threw a stone, pursuant to which, his sister-Manisha sustained an injury on his hand and Asha also sustained an injury. As far as the applicant is concerned, he is alleged to have picked up a tile lying on the spot and is stated to have thrown it on Suman's head, as a result of which, Suman sustained grievous injury and became unconscious. Suman died on 26th March, 2017. The cause of death is stated to be "death due to septicemia in a old operated case of head injury". Admittedly, Suman's statement was not recorded.

Admittedly, with respect to the incident, there is a cross case filed by the applicant's side in which the applicant is the complainant. The offences alleged against the complainant are under Sections 324, 323, 504, 34 of the Indian Penal Code. The applicant has been in custody since June, 2016. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and 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 Monday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months from the date of release;
- (iii) The applicant shall not tamper with the evidence 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 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.

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. In view of the disposal of the Bail Application, the intervention application being Criminal Application No. 3 of 2017 does not survive and is disposed of accordingly.

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

REVATI MOHITE DERE, J.