

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 657 OF 2017**

Akshay Mahadeo Tate

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Shailesh D. Chavan for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 29th MARCH, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 47 of 2016 registered with the Bhigwan Police Station, Pune, for the alleged offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that the only role attributed to the applicant is that he verbally abused and threatened the

complainant Bhagyashree and that the actual act of pouring kerosene on Bhagyashree and setting her ablaze has been attributed to co-accused Mahesh Bhosale and Sonali Bhosale. He submits that the main accused Sonali Bhosale has been enlarged on bail.

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

5. Perused the papers, in particular, the statement of the injured Bhagyashree. It appears from Bhagyashree's statement that on 2nd April, 2016, at about 10:00 p.m., she received a phone from her friend, co-accused-Sonali Bhosale. She has stated that Sonali started abusing and threatening her on phone. She has further stated that at around 12:30 a.m., Sonali Bhosale, her husband Mahesh Bhosale and 6 to 7 persons came to her house and started abusing and threatening her. She has further stated that she told the said persons that her husband was away at work and that they should come on the next day. According to the complainant, when she disclosed the said fact to Sonali Bhosale, Mahesh Bhosale and others, all the accused started assaulting her with fists and kick blows, and that Sonali Bhosale pulled her hair and started assaulting her with fists and kick

blows. When Bhagyashree disclosed that she was going to the Police Station, Sonali Bhosale and Mahesh Bhosale, both poured kerosene on her person and set her ablaze.

6. There are eye-witnesses to the said incident, who have also supported the said statement. It appears that the main allegation is against Sonali Bhosale and Mahesh Bhosale of having poured kerosene on Bhagyashree's person and setting her ablaze. The allegation against the applicant is that he threatened and verbally abused the complainant and assaulted her along with others with fist and kick blows. The applicant is aged 22 years and is a student.

7. Considering the aforesaid, the applicant deserves to be 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 not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

9. 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.

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

REVATI MOHITE DERE, J.