

Anand

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

BAIL APPLICATION NO. 2467 OF 2017

Gorakh Rangnath Patil .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO. 1049 OF 2017
(For Intervention)
IN
BAIL APPLICATION NO. 2467 OF 2017**

Miss Sheetal Satyvan Sadgar .Intervenor

IN THE MATTER BETWEEN

Gorakh Rangnath Patil .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. A. P. Mundargi, Senior Counsel i/b. Mr. S. S. Chaudhari, for the Applicant

Mr. Rajan Salvi, APP, for the Respondent – State

Mr. S. A. Tarale, Advocate, for the Intervenor

CORAM : A.S.GADKARI, J.

DATE : 17.11.2017

P.C.

. This is an Application under Section 439 of Cr. P.C. for bail
in CR No. 234 of 2017 dated 28.09.2017 registered with Karkamb

Police Station, Solapur (Rural) under Sections 143, 147, 149, 323, 354, 379, 452, 504, 506 of the Indian Penal Code and under Sections 8 & 12 of the Protection of Children from Sexual Offences Act (for short “POCSO” Act).

2. Heard learned Senior Counsel for the Applicant, learned counsel for the first informant and the learned APP for the State. Perused the record.

3. The first information report is lodged by Ms Sheetal Satyavan Sadgar alleging that on 27.09.2017 at 8.30 a.m., the Applicant alongwith ten other accused persons went to the house of her uncle, who resides adjoining to her house and enquired about him. That the accused persons were abusing her uncle Hanumant over payment of charges of milk. It is stated that when the first informant and her other family members questioned them, the Applicant and other accused persons told her that they will took their animals and started taking away the said animals. The family members of the first informant, therefore, tried to resist the said act when it is alleged that the Applicant and other accused persons committed an act as contemplated under Section 354 of the Indian Penal Code with the first informant and her mother. That the accused persons, thereafter, took away the animals namely four cows and two buffaloes from their residence. It is also stated that the articles

in the house were found in scattered condition and an amount of Rs. 85,000/- and Gold ornaments weighing four tolas were found missing. In the premise, the first information report is lodged on 28.09.2017 at about 7.36 a.m.

4. The learned APP on instructions submitted that the said animals i. e. four Cows and two buffaloes have been recovered from the accused persons. He further on instructions submitted that as far as Rs. 85,000/- and Gold ornaments weighing four tolas which were missing from the house is concerned, it is subsequently revealed that the said articles were, in fact, in the house itself and are not missing.

As far as the offence under the provisions of POCSO Act is concerned, as the first informant is below the age of 18 years, the provisions are applied to the present crime. As far as the offence punishable under Section 354 of the Indian Penal Code is concerned, it appears that it has taken place in melee/scuffle which took place between two groups and prima facie, it appears that it was not a deliberate and/or intentional act by the Applicant.

5. In view of the above, the Applicant can be released on bail.

Hence, the following Order:

(i) The Applicant be released on bail in CR No. 234 of 2017 registered with Karkamb Police Station, Solapur (Rural) on his

furnishing PR bond of Rs. 25,000/- with one or two solvent local sureties in the like amount;

(ii) After his release from the jail, the Applicant shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of trial;

(iii) Applicant shall also attend all the dates before the trial Court;

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6. Application is allowed in the aforesaid terms.

7. In view of order passed in Bail Application, the Criminal Application No. 1049 of 2017 does not survive and is accordingly disposed off.

(A.S.GADKARI, J.)