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

BAIL APPLICATION NO.172 OF 2018

Praveen Abhimanyu Bansode

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Rajiv Patil, Senior Advocate a/w. Mr.Hasan Patel for the Applicant.
Mr.S.S. Hulke, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 2nd FEBRUARY 2018.

P.C.:

1] This is an application under section 439 of Cr.P.C. for bail in CR No.I-176 of 2017 dated 17th April, 2017 registered with Narpoli Police Station, Bhiwandi, District Thane under sections 302, 307, 143, 147, 148, 149 of the Indian Penal Code and under sections 37(1), 135 of the Maharashtra Police Act.

2] Heard the learned Senior Counsel for the applicant and the learned APP. Perused the record annexed to the application and the chargesheet.

3] The first information report is lodged by Smt.Ujwala Balkrishna Sonne. It is the prosecution case that, the deceased Balkrishna Sonne had outraged the modesty of Smt.Dakshata Tekale on 12th February, 2017 and therefore crime bearing No.58 of 2017 under sections 354, 324, 323, 143, 146, 147, 148, 149 dated 12th February, 2017 was registered at the instance of Smt. Dakshata Tekale. That despite registration of offence, deceased Balkrishna used to harass Smt. Dakshata Tekale and defame her in the vicinity. Due to the said reason, accused no.1 Jitendra Tekale (husband of Dakshata Tekale), the present applicant and other accused persons on 17th April, 2017 between 1.15 a.m. to 1.30 a.m. assaulted deceased Balkrishna with a wooden log, fist and kick blows.

4] The record indicates that the eye witnesses to the said incident have stated about the presence of the applicant at the scene of crime. They have also stated that the applicant was a member of unlawful assembly and has participated in assault on deceased Balkrishna Somane. It appears that no specific overtact is attributed to the applicant and the allegations made against him by the witnesses are general in nature. After perusing the record, *prima facie* it appears that due to the outraging of the modesty of Smt. Dakshata Tekale by deceased Balkrishna Somane, the principal

accused Jitendra Tekale and the applicant who is relative of Smt.Dakshata Tekale, got enraged and assaulted deceased Balkrishna Somane alongwith other accused persons. It further *prima facie* appears that the intention of the applicant alongwith said Jitendra Tekale was to teach a lesson to the deceased for outraging the modesty of Smt.Dakshata Tekale and not to commit culpable homicide.

5] In view thereof, the applicant can be released on bail.

Hence the following order:

:: ORDER ::

- (i) The applicant be released on bail in CR No.I-176 of 2017 dated 17th April, 2017 registered with Narpoli Police Station, Bhiwandi, District-Thane 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 1.00 p.m. till the conclusion of trial.
- (iii) Applicant shall also attend all dates before the Trial Court.
- (iv) Applicant shall not tamper with the evidence and/or

influence the prosecution witnesses.

- (v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)