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

BAIL APPLICATION NO. 2833 OF 2017

Smt. Dakshata Jitendra Tekale

... Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Rajiv Patil, Senior Counsel a/w Nitesh Mohite for Applicant.

Ms. PN. Dabholkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 10th JANUARY 2018.

P.C.:

1] Leave to amend casue title of the application to mentiion correct name of the applicant. Amendment be carried out forthwith.

2] This is an application under Section 439 of Cr. P.C. for bail in CR No. I-176 of 2017 dated 17.04.2017 registered with Narpoli Police Station, Bhiwandi, District-Thane under Section 302, 307, 143, 147, 148, 149 of the Indian Penal Code and under Section 37(1), 135 of the Maharashtra Police Act.

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

4] The first information report is lodged by the Smt. Ujwala Balkrishna Sonne. It is the prosecution case that, the deceased Balkrishna Sonne had outraged the modesty of the applicant on 12.2.2017 and therefore crime bearing No.58 of 2017 under Section 354, 324, 323, 143, 146, 147, 148, 149 dated 12.2.2017 was registered at the instance of the applicant. That despite registration of offence, deceased Balkrishna used to harass the applicant and defame her in the vicinity. Due to the said reason, accused No.1 Jitendra Tekale (husband of applicant) and other accused persons on 17.4.2017 between 1.15 a.m to 1.30 a.m assaulted deceased Balkrishna with a wooden log, fist and kick blows.

It is the further prosecution case that, the accused persons also assaulted Balkrishna with beer bottles. During the course of investigation, applicant is arrested on 17.04.2017 and after completion of investigation, the police have submitted chargesheet.

5] The record indicates that, there are eye-witnesses to the said

incident who have stated about presence of the applicant at the scene of offence and hurling abuses to the deceased and other accused persons assaulting deceased with wooden log and first and kick blows.

6] After perusing the record, prima facie it appears that due to the aforestated reasons the husband of the applicant got enraged and assaulted deceased along with other accused persons. It further appears that apart from the fact that the applicant was present at scene of offence and hurling abuses to the deceased, no other overtact is attributed to the applicant.

7] In view thereof, this Court is of the view that, the applicant can be released on bail.

Hence the following Order:

(i) The applicant be released on bail in CR No. I-176 of 2017 dated 17.04.2017 registered with Narpoli Police Station, Bhiwandi, District-Thane on her furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After her 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.

8] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)