

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 423 OF 2019**

Kalu @ Eknath Devram Purane	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Hasan Patel for the Applicant

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 1st JULY 2019

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. I-86 of 2017 registered with the Kasara Police Station, Thane, for the alleged offences punishable under Sections 302, 323, 504, 506 r/w 34 of the Indian Penal Code.

3 Perused the papers. According to the complainant-Nandu Bhangre (son of deceased-Sundarabai), the incident took place on 14th

December 2017 at about 10:00 p.m. According to the complainant-Nandu, there was a function of Goddess Mahalaxmi in their village and they had invited several guests for lunch and dinner on the said day i.e. on 14th December 2017. The complainant has alleged that at 10:00 p.m, he and his uncle-Kashinath picked up a fight, pursuant to which, his mother-Sundarabai (deceased) intervened and attempted to stop the fight. It is alleged that at that time, residents of the village i.e. Laxman, Kalu @ Eknath (applicant), Mathura and Yamuna started abusing the complainant's mother-Sundarabai. It is alleged that Mathura assaulted Sundarabai by fist and kick blows; Laxman assaulted her with a stick on her face and the applicant along with Mathura and Yamuna assaulted Sundarabai with fist and kick blows. Sundarabai expired on the same day. The cause of death is stated to be, 'Evidence of intraperitoneal haemorrhage with multiple injuries over body. However, opinion reserved pending for accessory examination report'. Column 17 of the post-mortem report shows that Sundarabai had received a contusion over right maxillary region of cheek; contusion over upper lip on left side; contusion over left cheek; two abraded contusions over left knee joint. Sundarabai received no fractures.

4 It is not in dispute that other two co-accused Mathura and Yamuna, who are alleged to have given fist and kick blows to Sundarabai, have been enlarged on bail. Whether or not the offence would be under Section 302 or a lesser offence, is a matter, which will be decided by the trial Court. The applicant is in custody since December 2017. Investigation is complete and charge-sheet is filed. Accordingly, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- 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, till the conclusion of the trial, except if the date in the trial Court falls on a Monday;

- (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.

5 The application is accordingly disposed of.

6 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.

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

REVATI MOHITE DERE, J.