

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

***CRIMINAL BAIL APPLICATION NO. 2091 OF 2019***

Laxman Devram Pyrane  
Versus  
The State of Maharashtra

...Applicant  
  
...Respondent

Ms. Sangeeta S. Salvi, for the Applicant.  
Mr. S.V. Gavand, A.P.P for the Respondent - State.

***CORAM : REVATI MOHITE DERE, J.  
DATE : 20<sup>th</sup> August, 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. According to the complainant-Nandu Bhangre (son of deceased-Sundarabai), the incident took place on 14/12/2017 at about 10-00

pm. The complainant has alleged that 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 14/12/2017. The complainant has alleged that at about 10:00 pm, 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 (applicant), Kalu @ Eknath, Mathura and Yamuna started abusing the complainant's mother-Sundarabai. It is alleged that Mathura assaulted Sundarabai by fist and kick blows; Laxman (applicant) assaulted her with a stick on her face and Kalu alongwith Mathura and Yamuna assaulted Sundarabai with fist and kick blows. Sundarabai expired on the same day. The cause of death stated to be, 'Evidence of intraperitoneal haemorrhage with multiple injuries over body'. Column No. 17 of the Post-mortem report shows that Sundarabai had received injuries on her face i.e. over right maxillary region of cheek, contusion over upper lip on left side and contusion over left cheek. Sundarabai received no fractures. It is not in dispute that other co-accused Mathura, Yamuna and Kalu have been enlarged on bail. Whether or not, offence would be one 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 Saturday 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 Saturday;
- 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 immediately after being released 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.

4. The application is accordingly disposed of.

5. 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.

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

**( REVATI MOHITE DERE, J. )**