

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2628 OF 2021

Prakash Ankush Jagtap .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.M.P.Mishra for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

PSI Shashank Chavan, present.

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CORAM: BHARATI DANGRE, J.
DATED : 28th SEPTEMBER, 2022

P.C:-

1. The applicant is charged for the offences punishable under Sections 307, 504 of the Indian Penal Code alongwith Sections 37(1)(a) and 135 of the Mumbai Police Act. The applicant, who is aged 65 years, came to be arrested on 16/04/2018. On completion of investigation, charge-sheet is filed.

2. Heard learned counsel for the applicant and learned A.P.P. for the State.

On perusal of the charge-sheet, it can be seen that the applicant is accused of assaulting the complainant. It is alleged that the applicant used to suspect the character of the

complainant's mother and assault her. He had driven complainant's mother, sister and brother from the house and the complainant offered them shelter and this act of hers, agitated the applicant and on the date of the incident, when the complainant was proceeding to work, she was abused and assaulted by the applicant.

3. On the last date of hearing, learned A.P.P. was directed to place on record the injury certificate of the complainant. Today, the injury certificate is produced, which reveals five incised lacerated wounds and barring one, all injuries are described as simple injuries. The location of injuries on pelvic region, lower back and palm would reflect the nature of assault.

What is material to attract Section 307 of IPC is the intention or knowledge, with which all the acts are done, irrespective of the nature of injuries caused by the person. The applicant may take the consequences of the accusations, particularly when the complainant is none other than his own daughter. However, his long incarceration from 16/04/2018 would not serve any purpose, as till date no charge is framed. The applicant deserve his release on bail, subject to the stipulation that he shall not make any attempt to influence the complainant or any of the prosecution witnesses and any such attempt being reported, he shall be deprived of his liberty.

Hence, the following order.

: **ORDER** :

(a) Application is allowed.

(b) Applicant - Prakash Ankush Jagtap shall be released on bail in connection with C.R.No.136 of 2018 registered with Vile Parle Police Station, on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall mark his attendance before the concerned police station on first Monday of every month between 3.00 p.m. and 5.00 p.m. till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.

(d) The applicant shall not make any attempt to influence the complainant or the prosecution witnesses and any such attempt on his part, would result in revocation of his liberty.

(f) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(g) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)