

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**20 BAIL APPLICATION NO.1975 OF 2023**

1]-Sunny s/o Sandip Misal,  
2]- Vipul Yosef Takwale and  
3]- Tushar Santosh Sasane

VERSUS

The State of Maharashtra

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Advocate for Applicants : Ms. S.G. Sonawane  
APP for Respondent : Mrs P J. Bharad

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CORAM : S. G. CHAPALGAONKAR, J.  
Dated : November 28, 2023

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**PER COURT :-**

1. By this application, the applicants are seeking regular bail in connection with Crime No.177 of 2023 dated 20.7.2023 registered with MIDC Paithan police station, Tq. Paithan, District Aurangabad for the offences punishable under sections 306, 143, 147, 148, 149, 452, 427, 323, 504, 506 of the Indian Penal Code.

2. The investigation was set in motion on the information given by one Gorakhnath Gangadhar Bobade. It is stated that on 19.7.2023 his son Mahesh and others were fixing the flex banners to celebrate the birthday of the Taluka President of a political party. At the relevant time, accused - Aniket Takwale arrived at the spot and abused the deceased - Mahesh making allegations that he has intentionally removed the banner of the national leader and caused insult. It is further alleged that in the evening, the accused persons arrived

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at the resident of the informant, they hurled abuses and forced the informant and his son Mahesh to bow down and tender apology by touching feet. Some of the accused persons dragged them and publicly insulted. It is further alleged that because of such act, son of the informant lost his honour and committed suicide. It is also alleged that a video graph of the aforesaid incident was made viral, by which, the informant and his son were humiliated. In pursuance of the aforesaid information, Crime no.177 of 2023 came to be registered with MIDC Paithan Police Station, Tq. Paithan, Dist Aurangabad for the offences punishable under sections 306, 143, 147, 148, 149, 452, 427, 323, 504, 506 of the IPC. The applicants are arrested in pursuance of the registration of aforesaid crime. Their plea for grant of bail has been rejected by the Sessions Court vide order dated 25.10.2023.

3. Ms. Sunita Sonawane, learned advocate appearing for the applicants would submit that the applicants have been arrested in pursuance of the aforesaid crime and they are behind the bar since 21.7.2023. She would submit that the allegations in the FIR so far as the applicants are concerned, are limited to the incident that has taken place at the house of the deceased. The allegations are that the applicants have abused the family members of the informant. The applicant no.2 is alleged to have slapped to the complainant and allegation against applicant no.3 is that he video-graphed the incident. She would submit that even assuming that contents of the FIR are true and correct, there is nothing on record to

indicate that acts done by the applicants were intended to abet commission of suicide by the victim. She would submit that applicants are young aged persons. Applicants no.1 and 2 are the students and applicant no.3 is a labour. There are no criminal antecedents. Further detention of the applicants would not be necessary.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. She would point out that the applicants have actively participated in the incident, led to suicide by the deceased. She would submit that applicant no.1 Sunny was holding iron rod when he entered house of informant and broken the glass of cupboard to create terror. There is recovery iron rod at his instance. She would further point out that accused Tushar has video-graphed the incident, which was ultimately made viral; that put deceased under mental depression. Applicant no.2 had slapped deceased and insisted him bow down before them. She would therefore submit that there is direct involvement of the applicants leading to suicide by the deceased.

5. Having considered the submissions advanced, apparently, there are allegations against the applicants that they had been to the house of the victim alongwith co-accused persons. All of them have created terror, insulted deceased and made him to bow down before them. There are allegations of assault by fist and kick blows and causing damage to the property. However, by now investigation in the matter is completed. Charge-sheet is filed. Statements of witnesses

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show that deceased was forced to apologize before gathering of the persons at public place. However, prima facie, it would be difficult to draw inference that acts committed by the applicants were with intention to abet commission of suicide by the victim. The applicants are behind bar for more than four months. They are students or tender age persons. Learned APP confirms that there are no criminal antecedents. Whether acts of the accused persons are sufficient to bring home the guilt under section 306 of the IPC would be the subject matter of trial. At this stage, further detention of the applicants would not be necessary. However, to protect the interest of the prosecution, some conditions can be imposed. Accordingly, case is made out for grant of bail. Hence, the following order.

#### **O R D E R**

- i. Criminal Bail Application is hereby allowed.
- ii. The applicant no.1]-Sunny s/o Sandip Misal, 2]- Vipul Yosef Takwale and 3]- Tushar Santosh Sasane be released on bail in connection with Crime No.177 of 2023 dated 20.7.2023 registered with MIDC Paithan police station, Tq. Paithan, District Aurangabad for the offences punishable under sections 306, 143, 147, 148, 149, 452, 427, 323, 504, 506 of the Indian Penal Code on their furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand) by **Each**, on the following conditions :-

- a] The applicants shall not tamper the prosecution evidence.
  - b] The applicants shall not enter village Isarwadi, Tq. Paithan, District Aurangabad for a period of six months from the date of their release on bail.
  - c] The applicants shall not indulge themselves in similar activities.
- iii. Bail application is accordingly disposed off.

**( S.G. CHAPALGAONKAR )**  
**JUDGE**

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