

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

BAIL APPLICATION NO.2097 OF 2023

KIRAN ASHOK MAHALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondents: Mr. A.S. Shinde.

**CORAM : S.G. CHAPALGAONKAR, J.
DATE : 1st DECEMBER, 2023**

ORDER :-

1. The applicant seeks regular bail in connection with crime No. 177 of 2023 registered with police station MIDC, Paithan, District Aurangabad for the offences punishable under sections 306, 323, 427, 452, 143, 147, 148, 149, 504, 506 of IPC.

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 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. Mr. Bhosale, learned advocate for the applicant would submit that the applicant has been arrested in pursuance of aforesaid crime on 28.7.2023. The investigation in the matter is complete. The other accused persons who are attributed with similar role are already enlarged on bail by order of this court dated 28.1.2023 as well as 8.9.2023. He would submit that perusal of the charge sheet nowhere shows that the applicant has done any act with intention to abet the commission of suicide by the victim. He would submit that general allegations are made against the accused persons. Role of the applicant cannot be distinguished from the role attributed to the accused who are already enlarged on bail. Therefore, on the principle of parity, the applicant is entitled to be released on bail.

4. Learned APP strongly opposes the prayer for grant of bail. He points out that the contents of the FIR itself shows that applicant has actually participated in commission of offence alongwith other accused persons creating terror in the mind of the family members of the deceased.

5. Having considered the submissions advanced, it can be seen that there are allegations against the applicant in regard to his participation in the incident that took place at the house of the victim. However, on prima facie consideration of the allegations in the FIR, it is difficult to infer that act committed by the applicant or other accused were intended to create circumstances that will abet commission of suicide by the victim. The other accused persons, who are attributed similar role are already enlarged on bail. There is no material to distinguish the role of the applicant from the other accused. In that view of the matter, further detention of the applicant would not be necessary. Hence, a case is made out for grant of bail. Hence, the following order :-

O R D E R

(i) The Bail application is allowed.

(ii) Applicant – Kiran Ashok Mahale, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in connection with registered with police station MIDC, Paithan, District Aurangabad for the offences punishable under sections 306, 323, 427, 452, 143, 147, 148, 149, 504, 506 of IPC, on the following conditions :-

[a] The applicant shall not tamper with the prosecution evidence.

[b] He shall not enter village Isarwadi, Tq. Paithan, District Aurangabad for a period of six months from the date of his release on bail.

[c] The applicant shall not indulge in similar activities.

[iii] The application stands disposed of.

**[S.G. CHAPALGAONKAR]
JUDGE**

grt/-