

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

**BAIL APPLICATION NO. 23 OF 2023
WITH
INTERIM APPLICATION NO. 897 OF 2023**

1. Mangal Bhimrao Talekar and
2. Nirmala Dattatraya Talekar ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Dinesh Bhosale for the Applicant.
Mr. Hrishikesh Sopan Shinde for the Intervenor.
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 28th MARCH, 2023.**

P.C.

1. At the outset, learned Counsel for the Applicants seeks leave to amend the prayer clause as to incorporate the Sessions Case number. Leave granted. Amendment to be carried out forthwith.

2. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicants, who is facing trial in Sessions Case No. 184 of 2022 pending before the Sessions Court. The said case arises from C.R. No. 337 of 2022 registered with Karmala Police Station, Solapur, for offences under Section 141, 143, 147, 148, 302 and 504 of the Indian Penal Code.

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3. Heard learned Counsel for the Applicants and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by Sudhir Arjun Talekar. A perusal of the FIR reveals that on 27th April, 2022 there was an altercation between the co-accused Bhimrao Talekar and Amol, son of the Complainant over damage caused to a wooden plank. The family members of the Applicant came to the place of incident. It is alleged that Bhimrao Talekar threw Amol on the ground and sat on his chest, Mangal Talekar caught hold of his hands. In the meantime, Amol Dattatraya Talekar went to his house and came with a knife and inflicted injury on Amol.

5. The material on record prima facie indicates that the fatal injury was inflicted by the co-accused Amol Dattatraya Talekar. The only role attributed to the Applicant No.1 is that she had held the hands of the deceased even before the co-accused Amol Talekar had gone to his house to bring the weapon. There is no prima facie

material on record to indicate that she had knowledge that the co-accused Amol Talekar would come with a sharp weapon and inflict injuries on the deceased Amol. So far as Applicant No.2 is concerned, no specific role is attributed to her. Considering the nature of accusation against these two Applicants, in my considered view, this would be a fit case to exercise discretion under Section 439 of Cr.P.C. Moreover, it is stated that the charge is not yet framed. Considering the large pendency of cases, the trial is not likely to commence in the immediate future. In view of the above facts and circumstances, the Application is allowed on the following terms and conditions:-

- (i) The Applicants Mangal Bhimrao Talekar and Nirmala Dattatraya Talekar, who are facing trial in Sessions Case No. 184 of 2022 pending before the Sessions Court, be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand Only) each with one or two sureties in the like amount;
- (ii) The Applicants shall report to the Karmala Police Station on the first day of every month until framing of the charge;

(iii) The Applicants shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;

(iv) The Applicants shall keep the Investigating Officer informed of their permanent as well as temporary address, if any, and their contact details, and/or change of residence or mobile details from time to time.

(ANUJA PRABHUDESSAI, J.)