

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

CRIMINAL BAIL APPLICATION NO.3019 OF 2023

Ankush Raghunath Golim

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Siddhi Patil i/by Ms. Manisha Devkar, Advocates, for the Applicant.
Ms. Veera Shinde, APP, for Respondent-State.
API, Keshav Rathod, Manor Police Station, Palghar, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 13th March 2024

P. C.

1. Heard Ms. Patil, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C.R. No.	126 of 2023
2	Date of registration of F.I.R.	1st May 2023
3	Name of Police Station	Manor, District-Palghar
4	Section/s invoked	302, 326, 452, 504, 506 of <i>I.P.C.</i> , 1860;
5	Date of incident	28th April 2023
6	Date of arrest	3rd May 2023
7	Date of filing Charge-sheet	27th July 2023

3. As per the prosecution case, the deceased - Saraswati is aged about 67 years and would occasionally defecate besides the house of the Applicant and therefore the Applicant got annoyed and he abused and threatened her. The incident in question took place on 28th April 2023. It is alleged that the Applicant was armed with a wooden log and was threatening the deceased - Saraswati and mercilessly assaulted her with the wooden log and the deceased succumbed to the resultant injuries.

4. Ms. Patil, learned Counsel for the Applicant submitted that the incident in question took place as the deceased used to defecate besides the house of the Applicant. She submitted that the incident has occurred on the spur of the moment and that there is no previous enmity. As per the prosecution case, the Applicant assaulted the deceased with a wooden log and there is no premeditation. She submitted that there are no antecedents.

5. On the other hand, Ms. Shinde, learned APP vehemently opposed the Bail Application and submitted that there is an eye-witness to the incident. In fact, the medical report states that there is a possibility of sexual assault. She submitted that the Applicant has mercilessly assaulted the deceased and therefore submits that the Bail Application be rejected.

6. Learned Counsel for the Applicant also submitted that as far as the medical report regarding possibility of sexual assault is concerned, the Applicant has mercilessly assaulted on the private parts of the deceased and perhaps that is reflected in the medical report. The statement of the eye-witness- Archana Ajay Golim (page-68) shows that the Applicant has mercilessly assaulted the deceased on the private parts. Said witness who is the eye-witness has not stated anything about the said alleged sexual assault.

7. Perusal of the record shows that the incident took place on 28th April 2023, F.I.R. was lodged on 1st May 2023, and the Applicant was arrested on 3rd May 2023. The investigation is complete and the Charge-sheet is filed on 27th July 2023. As per the Charge-sheet, 18 witnesses are proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

8. *Prima facie*, there is substance in the contention of the learned Counsel for the Applicant that the incident had occurred on the spur of the moment and that there was no intention to commit the crime.

9. The Applicant does not appear to be at risk of flight.

10. The Applicant does not have any criminal antecedents.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

ORDER

(a) The Applicant - **Ankush Raghunath Golim** be released on bail in connection with C.R. No.126 of 2023 registered with the Manor Police Station, District - Palghar on his furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Manor Police Station, District - Palghar on the Sunday of every week for a period of one year between 11.00 a.m. and 1.00 p.m. and thereafter first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) 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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]

Note: This Order is modified and corrected as per the Speaking to the Minutes Order dated 26th April 2024 and the correction at Para. 12(a) is shown in bold.