

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

CRIMINAL APPLICATION NO. 3118 OF 2015

Prashant Dnyandeo Varal	.. APPLICANT
Versus	
The State of Maharashtra	.. RESPONDENT

...
Shri Joydeep Chatterji, Advocate for applicant
Shri Mote, APP. for respondent.
Shri N.V.Gavare, Adv. For complainant
...

CORAM : V.M.DESHPANDE,J.
DATED : 6th JULY, 2015

ORDER :-

This is an application for anticipatory bail since the applicant is apprehending arrest in connection with Crime No.I-159/2014 registered with Parner police station, Dist.Ahmednagar for offences punishable u/s 307, 323, 504, 506, 143, 147, 148, 149 of I.P.C. and u/s 4/25 of the Arms Act.

2] Heard Shri Chatterji learned counsel for applicants, Shri Mote, learned A.P.P. for respondent State and Shri N.V.Gavare, learned counsel for first informant.

3] First Information Report is lodged by Sharad @ Gaurav Raghunath Pawar on 5/7/2014. The date of incident is 4/7/2014. As per F.I.R., when the first informant was sitting in a hotel situated at village Nighoj by name Manthan, that time, about 10 to 12 persons whose names are mentioned in the F.I.R. came to the present applicant and they picked up a quarrel with Sunil who is the brother of first informant. According to F.I.R., Sunil was attacked. The F.I.R. specifically gives specific role who has attacked on Sunil by means of the various weapons. The F.I.R. is completely silent that the present applicant has given any sword blow or by any other dangerous weapon. An omnibus statement is made in the F.I.R. that all other persons have smashed bottles on the person of injured Sunil. From the F.I.R., it is clear prima facie that the applicant cannot absolve that he was not present on the spot. The injury certificate of Sunil shows that the grivous injuries are attributable to the other named accused persons who have attacked by means of dangerous weapons in their hands.

4] Presently the question is of the custody of the present applicant. The F.I.R. does not show that the present applicant has used any specific weapon, therefore, there is no question of recovery of any weapon from the present applicant. It is submitted on behalf of the prosecutor and the learned counsel for first informant that charge sheet is filed u/s 299 of Cr.P.C. against present applicant. However, learned Prosecutor was unable to point out from the charge sheet that what were the steps those were taken by investigation officer to apprehend that the present applicant and to show that he was not present

at all at the normal place of residence. Further there are no steps on the part of the investigation officer in obtaining proclamation against present applicant that he is an absconder.

5] Looking to the fact that no specific overt act is alleged that the present applicant has used any dangerous weapon for causing grievous injury to injured Sunil, present applicant's custody is not warranted is the view of this Court that leads to pass following order :

ORDER

a] Application is allowed. Applicant Prashant Dnyandeo Varal be released on anticipatory bail in the event of his arrest in connection with Crime No.I-159/2014 registered with Parner police station, Dist.Ahmednagar for offences punishable u/s 307, 323, 504, 506, 143, 147, 148, 149 of I.P.C. and u/s 4/25 of the Arms Act, on he executing P.R. Bond of Rs.15,000/- (Rs.Fifteen thousand only) with one solvent surety in the like amount.

B] The applicant shall attend police station Parner, Dist Ahmednagar twice a week preferably on every Sunday and Tuesday in between 3 to 5 p.m. till the charge is framed.

C] That the applicant shall not act in any such

manner which will be causing prejudice to the prosecution case.

(V.M.DESHPANDE,J.)

umg/