

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.509 OF 2015

Dattatraya Bhagwan Pharad & anr.

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.A.U. Nikam for the Applicants

Mr.J.H. Ramugade, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 17, 2015**

P.C.:

1. The application is moved for pre-arrest bail as the applicants/accused are prosecuted for the offences punishable under sections 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code. One Bhagwan Madhukar More has given information to the police at Madha police station, Solapur pursuant to which the crime was registered at C.R. No.72 of 2014 on 8.11.2014. It is the case of the prosecution that on 7.11.2014 in the morning, the applicants/accused and other accused entered his farm and they were all armed with iron pipes. Accused No.1 was armed with axe and they all arrived there. They abused them and they assaulted the complainant and his brother Maruti More. Legs of both the persons were fractured and thereafter they left the place.

2. The learned Counsel for the applicants/accused has submitted that the incident has not occurred as stated. He pointed out the remand report dated 8.11.2014. He submitted that here the police have given report that the iron rods and axe were recovered as the recovery was shown from the co-accused and not from Nitin and Dattatray. He submitted that as the incident has taken place in November, 2014, their custodial interrogation is not required. They are, therefore, to be given pre-arrest bail.

3. Learned Prosecutor relied on the injury certificates of these two persons. It shows that there is a grievous hurt. He submitted that these applicants/accused are absconding.

4. Perused the remand report. It shows recovery of the weapons i.e., the iron rod and axe from the other accused. Their custodial interrogation is not required. However, the applicants/accused are from the same vicinity. Hence, the Anticipatory Bail Application is granted subject to the following conditions:

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount;
- ii) The applicants shall not pressurise any witness and shall not tamper with the evidence;

- iii) The applicants shall not indulge into any kind of offence while on bail;
 - iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Monday and every Friday, between 4 pm to 6 pm, till filing of chargesheet.
 - v) Any breach of the above conditions would entitle the prosecution to move an application for cancellation of bail forthwith.
5. Anticipatory Bail Application is disposed of in the above terms.

(MRS.MRIDULA BHATKAR, J.)