

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.536 OF 2015

Shri Vinod Yuvraj Kadam & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.A.S. Shalgaonkar for the Applicants

Mr.D.P. Adsule, APP, for Respondent – State

Mr.U.G. Desai, API, Aundh police station, Satara – present

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

DATE: **APRIL 27, 2015**

P.C.:

1. The application is moved for pre-arrest bail. There was assault on 13.2.2015 and one Shubham and Vishal were injured. It is the case of the prosecution that the applicants/accused and the complainant are from the same locality and are related to each other. The applicants/accused were armed with sword and rods and they attacked the family members of the complainant. One Sachin Shinde gave complaint against the applicants/accused, which was registered at C.R. No.13 of 2015 at Aundh police station under section 141, 143, 147, 148, 149, 452, 326, 323, 324, 504, 506, 307 of the Indian Penal Code and also sections 37(1)(3) and 135 of the Bombay Police Act.

2. The learned Counsel for the applicants/accused submitted that there is a cross complaint and a family member Maya Sudhir Thorat from the family of the applicants/accused had lodged a complaint against the complainant and his family members of assault which was registered at C.R. No.12 of 2015 at Aundh police station, Satara. He submitted that all the accused are falsely implicated in this case. The group of other accused are granted pre-arrest bail and also some of them are released on regular bail.

3. The learned Prosecutor relied on the injury certificates of Shubham, Vishal and also Saraswati. He pointed out that in the complaint, one of the applicants/accused i.e., applicant/accused No.2 Anis Shaikh is attributed a specific role that he assaulted Vishal by sword. He relied on the statement of Vishal, wherein he has told that Vinod was holding sword. He submitted that the police wants to recover the weapons.

4. Perused the FIR, injury certificates and the counter FIR. Vishal has sustained fracture of his right hand and the injuries sustained by Shubham and Saraswati were simple in nature. Further, on query, it is found that the applicants/accused have no antecedents. In view of this, except Anis Rafik Shaikh and Vinod Kadam i.e., applicant Nos.1 and 2, all the other applicants are granted pre-arrest bail on the following terms and conditions:

- i) In the event of arrest, the applicants/accused Nos.3 to 14 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 applicant Nos.3 to 14 shall not tamper with the evidence;
 - iii) The applicant Nos.3 to 14 shall not indulge into any kind of offence while on bail;
 - iv) The applicant Nos.3 to 14 shall cooperate with the Investigating Officer and attend the concerned police station on every Saturday between 6 pm to 8 pm, till filing of chargesheet.
5. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)