

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 831 OF 2015

Ramchandra Sahebrao Mane	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Balwant V. Salunkhe i/b. Janardhan Anna Madane, Advocate for the applicant.

Mrs. R.V. Newton, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 7, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is facing charges under sections 307, 504, 506 of the Indian Penal Code in C.R. No.62 of 2015 registered with Mhaswad Police Station, Taluka Man, District Satara at the instance of Mrs.Shindu Suresh Gaikwad, daughter of injured Baba Hariba Jadhav, on 16th May, 2015.

2. It is the case of the prosecution that the family of applicant/accused and family of Baba Hariba Jadhav are having disputes over landed property. On 15th May, 2015 at around 6.30 a.m. the applicant/accused went to the field of Baba Jadhav and picked up quarrel with him. Baba Jadhav came on the road out of his field and then both started quarreling. Complainant Mrs. Sindhu Gaikwad arrived there and questioned the applicant/accused why he was abusing her father Baba Jadhav, at that

time, applicant/accused assaulted Baba Jadhav on his head with sattur and when he fell down, the applicant assaulted him with iron rod and then he ran away on the motorcycle.

3. The learned counsel for the applicant/accused has submitted that there is a cross complaint filed by Pratap Ramchandra Mane, son of applicant/accused on 16th May, 2015 against Baba Jadhav and FIR was registered at C.R. No. 61 of 2015 with Mhaswad Police Station. The applicant/accused was also injured, as he was assaulted by Baba Jadhav. The learned counsel submitted that applicant/accused sustained grievous injuries and hence he be granted pre-arrest bail.

4. Learned APP while opposing this Application, relied on the FIR and injury certificate of Baba Jadhav. She submitted that there were four grievous injuries and two simple injuries on the person of Baba Jadhav. Considering this, no anticipatory bail be granted to the applicant/accused.

5. Perused the FIR, injury certificate and statements of the witnesses. So also perused the cross complaint at C.R. No. 61 of 2015 where the offence is registered under section 324 of the Indian Penal Code. Undoubtedly, Baba Jadhav has sustained grievous injuries than applicant/accused. It appears *prima facie* that applicant/accused was aggressive while attacking Baba Jadhav. However, he was also injured and it was grievous injury. Considering this, I am inclined to grant pre-

arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
- ii) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- iii) The applicant shall not tamper with the evidence and shall not pressurize the complainant and her relatives;
- (iv) The applicant shall not indulge into similar type of offence, while on bail;
- (v) The applicant shall not stay in Village Dhokmod, Taluka Man for 3 months, i.e., till 30th September, 2015 except the dates to attend police station for interrogation, i.e. on 23rd July, 2015 and 29th July, 2015 between 12 noon to 4 p.m.;
- (vi) Violation of any of above conditions shall amount to cancellation of pre-arrest bail.

6. Anticipatory Bail Application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)