

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1173 OF 2015

Mahaveer Bhimrao Bodare .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.S.T.Bhosale, Advocate, for the Applicant

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 24.08.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.No.
49 of 2013 registered with the Tembhurni Police
Station, Taluka – Madha, District – Solapur, for
the alleged offences punishable under Sections
326, 147, 149, 323, 504, 506 of the Indian
Penal Code, 1870.

3. The complainant is one Arun Parmeshwar Bodare. He has alleged that on 15.03.2015 at around 8.00 p.m., his brother called and disclosed to him that Hanamant Bodare, Dada Bodare and Pralhad Shirtode had come near the D.P. and were tampering with the light fuse. His brother is alleged to have further disclosed that when he questioned them, they started threatening him. According to the complainant, when he reached the spot, the said three accused are also alleged to have threatened him. On 16.03.2015, all the accused including the applicant are alleged to have come to the complainant's house at 10.00 a.m. and asked him, how he was concerned whether the fuse was removed or not and why he had complained about the 15.03.2015's incident to Bandu Shirtode's mother. It is alleged that the accused started abusing him and that Hanamant Bodare and Bandu Shirtode picked up sticks from the spot and

assaulted him on his left hand, as a result of which he fell down. It is alleged that co-accused Dattu Bodare, Dada Bodare, Anil Bodare, Raju Bodare and Pralhad Shirtode assaulted the complainant with fist and kick blows and that the present applicant assaulted the complainant on his waist on the left side.

4. Learned counsel for the applicant submitted that all the eight accused have either been enlarged on regular bail or anticipatory bail.

5. Perused the Injury Certificate of the complainant Arun Bodare. The Injury Certificate shows that Arun Bodare has suffered two abrasions, one near toe and one on the right shift of tibia and grievous injury was of distal humerus. It appears from the Injury Certificate that there is no corresponding injury caused as

a result of the alleged assault by the present applicant. One of the co-accused Raju has been granted pre-arrest bail by this Court vide order dated 03.08.2015.

6. Considering the role of the present applicant, the applicant is also entitled to be granted pre-arrest bail on the following terms and conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail on his furnishing P.R.Bond in the sum of Rs.10,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the said case;

(iii) The applicant shall attend Tembhurni Police Station, Taluka – Madha, District – Solapur on every Saturday from 10.00 a.m. to

11.00 a.m. till the filing of the charge sheet.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)