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

ANTICIPATORY BAIL APPLICATION NO.1242 OF 2015

Sagar Tatya Mane and Ors.	... Applicants
Vs	
The State of Maharashtra	... Respondent

Ms.Priyendra S., i/b Mr.V.S.Tadke, for the Applicants.

Mr.Y.M.Nakhwa, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE, J.
DATE : 24th AUGUST, 2015**

P.C. :

1. Heard learned counsel for the Applicants and learned APP for the Respondent - State.

2. By this Application, the Applicants seeks pre-arrest bail, in connection with C.R. No.80 of 2015, registered with the Malshiras Police Station, Solapur for the alleged offences punishable under Sections 364, 341, 147, 143, 149, 324, 504, 506 of the Indian Penal Code.

3. According to the prosecution, the incident in question took place on 26th July, 2015 and the FIR has been lodged on 27th July, 2015. It is alleged by the complainant – Sagar Kapadekar that on account of previous animosity, the incident had occurred. He has alleged that on the date of the incident, the applicant no.1 along with the other applicants came to the spot ; applicant no.1 abused him and gave him fist blows. It is alleged that thereafter all the applicants assaulted the complainant with fist and kick blows and the applicant no.1 throttled the complainant. It is alleged that thereafter some how the complainant managed to escape from the spot.

4. Learned Counsel for the Applicant states that the present C.R has been lodged as a counter blast to a C.R being CR.No.62 of 2015 which was lodged by the applicant no.1 with Malshiras Police Station, Solapur alleging offences punishable under Sections 143, 147, 148, 149, 323, 326, 504, 506 of the Indian Penal Code as against eight persons, including the present complainant in C.R.No.80 of 2015. She submitted that the applicant no.1 was assaulted by the aforesaid complainant and others on 1st July, 2015 with sticks, as a result of which the applicant no.1 was grievously injured

resulting in fracture of his elbow. She submitted that the as a result of the said assault, the applicant no.1 had to undergo a major surgery and that he was admitted as an indoor patient in the hospital for the same. According to her, as a counter blast the aforesaid C.R has been lodged as against the present applicant.

5. Learned APP has produced the injury certificate of the complainant - Sagar, wherein the history recorded was assault by known persons on 26th July, 2015 by sticks. The injuries as are evident from the injury certificate show, that the complainant has received four contusions on either side of the cheek and lower back. No injury is recorded as a result of throttling.

6. Considering the material on record and the background in which they are made, the applicants deserve to be granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R.Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount ;

- ii) The Applicants shall attend the Malshiras Police Station, Solapur, on every Wednesday and Saturday between 11.00 a.m to 2.00 p.m., till the filing of the charge-sheet ;
- iii) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
- iv) The Applicants shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

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

9. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.