

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1485 OF 2015

1. Devanand Popat Godase .Applicants
2. Yashwant Ramling Godase
3. Ganesh Arun Godase
4. Sharad Appasaheb Godase

v/s.

The State of Maharashtra .Respondent

Mr.S.S.Chaudhari, Advocate, for the Applicants
Mrs.S.D.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.10.2015

P.C.

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

2. By this application, the applicants seek pre-arrest bail in connection with C.R.No. 186 of 2015 registered with the Mohol Police Station, District - Solapur, for the alleged offences punishable under Sections 143, 147,

148, 149, 307, 427, 452 & 504 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. The complainant is one Kiran Rajaram Patole. He has alleged that the incident took place on 24.05.2015 at about 08.30 p.m. when the aforesaid applicants along with other co-accused came to his house and started abusing them. He has alleged that all the accused were armed with sticks and iron rods and that they assaulted his father. He has further stated that on hearing the altercation, he came out. According to the complainant, Prahsant Godase, Anand Khurd, Dayanand Khurd & Ganesh Godase (applicant No.3) were armed with swords. According to the complainant, Anand Khurd assaulted the complainant on his head with sword and Arun Godase assaulted Rohan with a sword.

4. Learned counsel for the applicants claims pre-arrest bail on the ground of parity inasmuch as, the co-accused who have played a similar role have been granted pre-arrest bail by this Court (CORAM : MRS. MRIDULA BHATKAR, J.) vide order dated 05.08.2015 passed in ABA No.917 of 2015 with ABA No.957 of 2015. He submits that according to the prosecution, the applicant Nos.1, 2 & 4 were not armed with any weapon and they are alleged to have assaulted with fist and kick blows. As far as the applicant No.3 is concerned, although the applicant is alleged to have been armed with sword, he is not alleged to have assaulted either the complainant or Rohan.

5. Learned APP does not dispute the aforesaid facts. Even according to the complainant, Anand Khurd assaulted him and Arun Godase assaulted Rohan with swords.

6. Perused the papers, including the order dated 05.08.2015 granting anticipatory bail to the co-accused. It is observed in the said order that the injuries caused to the injured persons were simple in nature. The applicants appear to have no antecedents.

7. Considering the aforesaid and the role assigned to the applicants, the applicants are granted anticipatory bail on the following terms & conditions:

ORDER

(i) In the event of the 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 Mohol Police Station, District – Solapur on the first Saturday between 10.00 a.m. to 11.00 a.m. till the filing of the charge-sheet;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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

9. 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.

All concerned to act on the
authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.