

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.393 OF 2015

Shri Satyavrat @ Sonu Arjun Kale & anr. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.K.S. Patil i/b P.S. Hagare for the Applicants
Mr.D.P. Adsule, APP, for Respondent – State

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

DATE: **MARCH 23, 2015**

P.C.:

1. The application is moved for pre-arrest bail as both the applicants are facing charges under section 326, 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code in C.R. No.244 of 2012 registered with the Baramati City Police station. It is the case of the prosecution that the applicant/accused on 16.10.2014 at around 9pm, stopped the complainant on account of an old quarrel. He questioned him and both the applicants/accused assaulted him. The applicant/accused No.1 was armed with sickle and other accused was armed with iron rod. The complainant had suffered injuries – simple as well as grievous. Hence, this application.

2. The learned Counsel for the applicant/accused has submitted the incident has taken place on 16.10.2012. Till now, the police have not arrested the applicants. He submitted that now the police want to arrest the accused No.1 because he is a witness and the complainant himself is an accused and the said trial is proceeding before the learned Sessions Judge. He further submitted that there are no antecedents against the applicant No.1 and accused No.2 was convicted in one previous case.

3. The learned Prosecutor has opposed this application. He has filed an affidavit of the Investigating Officer, who has stated on oath that the applicants were absconding and they require custody of the applicants/accused. He submitted that if the applicants are bailed out, they will threaten the witnesses.

4. Perused the FIR. The offence has taken place in October, 2012. There is a conviction to the credit of the applicant/accused No.2 i.e., Jaykumar Mahadeo Kale. However, considering the applicant/accused No.1 was a juvenile when the earlier offence had taken place and the complaint against him is dismissed by the Juvenile Justice Board, I am inclined to grant pre-arrest bail to only applicant/accused No.1 - Shri Satyavrat @ Sonu Arjun Kale, on the following conditions:

- i) In the event of arrest, the applicant/accused No.1 shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two solvent sureties in the like amount;
 - ii) The applicant/accused No.1 shall not tamper with the evidence;
 - iii) The applicant/accused No.1 shall not indulge into any kind of offence while on bail;
 - iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station as and when called, till the filing of the chargesheet.
5. Insofar as applicant/accused No.2 is concerned, the Anticipatory Bail Application is rejected.

(MRS.MRIDULA BHATKAR, J.)