

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.646 OF 2015

Suraj Hanumant Sakhare
vs.
The State of Maharashtra

... Applicant

... Respondent

Mr. Prabhanjay Dave, for the Applicant.
Mr. D.P. Adsule, APP, for Respondent – State.

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

DATE: **JUNE 10, 2015**

P.C.:

. Application is moved for pre arrest bail as applicant/accused apprehends arrest in C.R. No. 80 of 2015 which is registered at Juna Rajwada police station, Kolhapur for the offences punishable under Sections 307, 143, 147 and 427 of Indian Penal Code. The offence is registered at the instance of one Ajit Powar on 21st January, 2015.

2. It is the case of the complainant that on the date of Shiv-Jayanti at Kolhapur, the group of the complainant and the group of the applicant/accused had free fight and they assaulted the persons from each other's group. Cross complaints are filed. The complaint against the present applicant/accused is filed first and thereafter the second complaint i.e.

cross complaint was filed by the applicant/accused Suraj Sakhare. Subsequently, the persons who are facing prosecution are charged with the same charges in both the cases.

3. The learned counsel for the applicant/accused has submitted that some accused persons from the other group in C.R. No. 81 of 2015 were given protection under Section 438 of Criminal Procedure Code. It is further submitted that the applicant/accused was badly injured on that day. He was admitted in the hospital. He is innocent. He further submitted that there is another ground to protect him as his wife is at advance stage of pregnancy and she is likely to deliver. There is nobody to look after her.

4. The learned prosecutor opposed the application relying on the statements of witnesses.

5. Perused the first information report. Perused the cross complaints and the statements of the witnesses. The specific role is attributed to the present applicant/accused that he was holding sword and he assaulted one Kedar. Perused the injury certificate of Kedar. There is incised wound and grievous hurt. Though the applicant/accused was injured and was also admitted in the hospital, *prima facie* it appears that

the applicant/accused was aggressive. It is a dispute between the groups who are political rivalries who had no regards for law and order. Hence, under such circumstances, it is not a fit case to grant pre arrest bail. The pregnancy of the wife is definitely a valid ground however it can be considered, but not at the stage of anticipatory bail.

6. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)