

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.728 OF 2015

Santosh Jaggannath Vaydande & Ors.

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.D.D. Rananaware for the Applicants

Ms.R.V. Newton, APP, for Respondent – State

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

DATE: **JUNE 16, 2015**

P.C.:

1. This is an application for anticipatory bail as the applicants/accused are facing charges under sections 443, 447, 448, 449, 307, 324, 504 and 506 of the Indian Penal Code. The crime is registered at C.R. No.33 of 2015 with the Pusegaon police station, Satara. The complaint is given by one Dilip P. Vaydande. It is the case of the prosecution that on 28.3.2015 at around 8.15 pm, the applicants/accused and the co-accused had a fight with the complainant and his relatives. The reason for assault was a quarrel between their children.

2. The learned Counsel for the applicants/accused has submitted that there is a cross case out of the same incident. The co-accused Sanjay Vaydande has given complaint against the assault on the next day i.e., on

29.3.2015 in the mid-night of the assault and the offence was registered against the complainant and his family members at C.R. No.32 of 2015 at Pusegaon police station, Satara. He submitted that the applicants/accused Avinash and Tanaji had sustained severe injuries. They were admitted in the hospital. On the other hand, the complainant and the family members, who were allegedly assaulted by the applicants/accused and the co-accused, as per the FIR of Dilip Vaydande, were treated in the hospital and have left the hospital immediately after the treatment and they were discharged on the same day. He submitted that the complainant and the co-accused in C.R. No.32 of 2015 were granted protection under section 438 of the Criminal Procedure Code. He relied on the photographs of the accused Tanaji and the injury certificate of Avinash.

3. The learned Prosecutor has opposed the application. She relied on the injury certificates of Dilip and Zenda Waydande. She pointed out that one of the injuries sustained by each of them is of grievous nature and as per the FIR, the applicants/accused were armed with axe, sword and iron rod. She submitted that there is every possibility that the applicants/accused, who are staying in the same locality, may again fight with the complainant and his family members.

4. Perused the FIR in both C.R. Nos.32 of 2015 and 33 of 2015. There are cross complaints. The applicant/accused and their associates and the complainant and his family members were both injured. On query, the learned Prosecutor informed that there are no criminal antecedents against these applicants/accused. The members of the other side were granted pre-arrest bail. The injuries sustained by Avinash and Tanaji are also of grievous nature.

5. In view of this, on parity, I grant pre-arrest bail to these applicants/accused on the following terms:

- i) In the event of arrest, the applicants/accused shall be released on bail upon 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 not indulge into any kind of offence especially against the complainant and his family members, while on bail;
- iii) The applicants shall not enter the village except for attendance at the police station and shall stay away from the village till 30.7.2015;
- iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Saturday, between 4 pm to 5 pm, till filing of chargesheet.

- v) In the event of breach of any of the conditions as above, the prosecution is at liberty to move for cancellation of bail.
6. Anticipatory Bail Application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)