

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 737 OF 2015

1. Vijay Tukaram Nirmal	
2. Swapnil Ravindra Yadav	... Applicants
Vs.	
The State of Maharashtra & Anr.	... Respondents

Mr. P.D. Purway i/b. Mr. Subhash Hulyalkar, Advocate for the applicants.
Ms. Veera Shinde, APP for the State.
I.O. Mr. Deepak Jadhav, P.S.I., Sangvi Police Station, Pune present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 5, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicants/accused are apprehending arrest in C.R. No. 126 of 2014 registered with Sangvi Police Station, Pune City, District Pune for the offences punishable under sections 326, 324, 323, 504 r/w. 34 of the Indian Penal Code. The incident of assault has taken place on 27th April, 2015.

2. It is the case of the complainant Shubham Vilas Sutar, who is a student of 18 years old, that when he was celebrating birthday of his friend Rahul Lokhande, co-accused Pravin Khanna asked him as to why he is celebrating the birthday of Rahul Lokhande and abused him and started assaulting him. When Shubham Hirve, friend of complainant, tried to intervene, co-accused Pravin Khanna also assaulted him. He took out sickle and assaulted on the head of complainant. The applicants/accused

Vijay Nirmal and Swapnil Yadav also started assaulting the complainant on the legs and chest with iron pipe. The complainant got injured and was admitted to the hospital. Thereafter, he gave complaint.

3. The learned counsel for the applicant/accused submitted that the applicants/accused are students of 20 years old. There are no criminal antecedents. The incident of assault has taken place suddenly. Hence, interim pre-arrest bail granted earlier be confirmed.

4. Learned APP relied on the complaint, statement of witnesses and medical report of complainant Shubham Sutar.

5. Perused the FIR, papers of investigation including the injury certificate. It appears that the complainant has received injuries like CLW over occipital region, however, the injury is caused, as Pravin Khanna has assaulted complainant with sickle on his head. The other injuries are contusion on chest wall and abrasion over tibia. In view of this and as the applicants/accused are students of 20 years old with no criminal antecedents, I confirm the order of interim pre-arrest bail dated 15th July, 2015 granted to applicants/accused on same terms and conditions including the order of attendance till the filing of the charge sheet.

6. The Anticipatory Bail Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)