

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1003 OF 2015

Harish Kondu Kokare

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.for the Applicant
APP, for Respondent – State

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

DATE: **JUNE 16, 2015**

P.C.:

1. The applicant/accused is facing charges u/s 307, 341,34..... in C.R. No.65 of 2015 registered at Lonavla police station (Rural). A complaint was given by one A.S. Ghole on 21.4.2015. The incident of assault has taken place on 21.4.2015 at around 8.15 pm, when the complainant and one Bhau Gaikwad, who was the Sarpanch of the Panchayat Samiti, were going in a car and at that time, the applicant/accused and the co-accused came in a Zen car and the car of the complainant was stopped. They attacked the Sarpanch Bhau Gaikwad and also the complainant Ananta Gule. Bhau Gaikwad was injured as he was stabbed 5 to 6 times on chest and throat by the assailants. He was sent to hospital and the applicant/accused was arrested and taken into custody on the same day i.e., 21.4.2015 and since then, he is in prison. Hence, this bail application.

2. The learned Counsel for the applicant/accused relied on the contents in the FIR, wherein it is stated that the applicant/accused assaulted the complainant with fist blows and there is no act of assaulting Bhau Gaikwad is mentioned. He submitted that he was not holding any weapon. It is further submitted that the applicant/accused is one of the members of the Panchayat Samiti and he did not attend two meetings of the Panchayat Samiti. Now the third meeting is scheduled on 18th June, 2015 and, therefore, if he fails to attend the said meeting, as per law, he will be debarred and his appointment will be canceled.

3. The learned Prosecutor has opposed the application. The Investigating Officer is not present. She relied on the description of the injuries on Bhau Gaikwad.

4. Perused the FIR. The act attributed to the applicant/accused is of giving a fist blow to the complainant. No specific act is attributed to him of assaulting Bhau Gaikwad. In view of the submission that the applicant/accused will be out of Panchayat Samiti if he does not attend the third meeting, I am inclined to grant bail. Accordingly, the application is allowed on the following terms and conditions:

i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;

- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence including offence on human body and especially on the Panchayat Samiti members, while on bail;
- iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Friday, between 6pm to 7pm, for a period of one month.

(MRS.MRIDULA BHATKAR, J.)