

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 762 OF 2015

1.	Dharma Laxman Pawar	
2.	Shalan Dharma Pawar	
3.	Sagar Rajendra Pawar	
4.	Sau. Shanta Vijay Pawar	... Applicants
	Vs.	
	The State of Maharashtra	... Respondent

Mr. Rupesh Atul Zade, Advocate for the applicants.
Mrs. R.V. Newton, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 7, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicants/accused are facing charges under sections 326, 323, 143, 147, 149, 504, 506 of the Indian Penal Code in C.R. No. 102 of 2015 registered with Daund Police Station on 10th April, 2015 at the instance of Yogesh Devkar.

2. The applicant no. 2 is a paternal aunt of the complainant. The applicants/accused are staying in the neighbouring house. However, they are on inimical terms because of the boundaries of the house. On 9th April, 2015 the applicants/accused and co-accused armed with hockey sticks, stones, sticks and bricks rushed towards the complainant and started to beat him. When the other family members of the complainant tried to intervene, they were also assaulted with sticks and stones. All were

admitted to the hospital. Hence, the complaint was lodged.

3. The learned counsel for the applicant/accused has submitted that earlier on the same day, i.e. 9th April, 2015, Applicant no. 2/Shalan gave complaint to the police at around 8 p.m. that Yogesh Devkar had outraged the modesty of her granddaughter and therefore, she went to the house of her brother and at that time, her brother and Yogesh assaulted her with kicks and fist blows and so she gave complaint. The learned counsel further submitted that applicant no. 3 Sagar Pawar is 18 years old and studying in Engineering College and applicant no. 1 Dharma Pawar and applicant no.2 Shalan Pawar are senior citizens, hence they are to be granted pre-arrest bail.

4. Learned APP opposed the Application. She relied on the injury certificate of the complainant and other family members. She submitted that complainant Yogesh Devkar has sustained fracture to his head. She further submitted that all the accused are residing in neighbouring house and there is likelihood of quarrel between them.

5. Perused the FIR. A specific role is attributed to each accused. Perused the injury certificates. Four persons were injured and except Yogesh Devkar, other injuries are contusion and laceration. Considering the submissions made by the learned counsel for the applicants/accused, as applicant no. 3/Sagar Pawar is 18 years old boy having no antecedents

and taking education in Engineering College, so also applicant no. 2 Shalan Pawar is 67 years old lady and applicant no. 4 Shanta Pawar is a lady, I protect them by pre-arrest bail. Pre-arrest bail is denied to applicant no. 1/Dharma Pawar. Hence, applicant no.2 Shalan Dharma Pawar, applicant no. 3 Sagar Rajendra Pawar and applicant no. 4 Shanta Vijay Pawar are granted pre-arrest bail on the following terms and conditions:

ORDER

- i) In the event of arrest, applicant no. 2 Shalan Pawar , applicant no. 3 Sagar Rajendra Pawar and applicant no. 4 Shanta Vijay Pawar 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 tamper with the evidence;
- (iii) The applicants shall not indulge into any criminal activity, while on bail;
- (iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Sunday from 10 am to to 12 noon, till the filing of charge sheet;
- (v) Violation of any of the conditions shall amount to cancellation of pre-arrest bail.

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

(MRS.MRIDULA BHATKAR, J.)