

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.785 OF 2015

Prabhakar Kondaji Jejurkar and Others	... Applicants
vs.	
The State of Maharashtra	... Respondent

Mr. Pankaj Bhatt i/b. Mr. D.M. Tailor, for the Applicants.
Mr. S.S. Pednekar, APP, for Respondent – State.

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

DATE: **JUNE 12, 2015**

P.C.:

. Application is moved for pre arrest bail as the applicants/accused are apprehending arrest under Sections 307, 326, 324, 323, 504, 506, 452, 143, 147, 148 and 149 of Indian Penal Code in C.R. No. 40 of 2015 registered at Junnar police station, Pune.

2. The F.I.R. is given at the instance of one Bhagwan Waghule. It is the case of the prosecution that the complainant's family and the family of the applicants/accused have dispute over the land. On 6th April, 2015 in the afternoon applicant/accused No. 1 along with other accused and co-accused arrived at the house of the complainant. Some of them were

armed with weapons like stick, iron rod and axe. They abused and assaulted the complainant and his family members.

3. The learned counsel for the applicants/accused submitted that accused Dattatray was arrested and is already on bail. He submitted that some of the applicants/accused though they were holding weapons like stick are not criminals. They are ready to abide by the terms and conditions imposed by this Court.

4. The learned prosecutor opposed the application relying on the police papers and injury certificate of the four persons. He pointed out that the complainant had sustained fracture to his right hand mid shape anna region. He submitted that Sharad Waghule was holding stick and he assaulted Bhagwan.

5. Perused the first information report, statements and so also the injury certificates of the four persons. *Prima facie* it appears that assault has taken place. However the injury sustained to all the three persons except Bhagwan are of simple in nature. There is a fracture to right hand of Bhagwan. However, on query, the learned prosecutor on instructions submitted that the applicants/accused do not have criminal antecedents.

6. In view of this, I am inclined to grant pre arrest bail on following terms and conditions:

- a) In the event of arrest, the applicants/accused be enlarged on bail on furnishing P R. Bond in the sum of Rs. 20,000/- (Twenty Thousand) each with one or two solvent surety/s in the like amount;
- b) The applicants/accused shall attend the Junnar police station, Pune on every Tuesday and Thursday in a week between 5.00 pm to 6.00 pm for one month from today.
- c) The applicants/accused shall not indulge in any criminal activity or assault against anybody especially the complainant and his family members.

7. Anticipatory bail application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)