

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 991 OF 2015
WITH
CRIMINAL APPLICATION NO. 705 OF 2015**

Sanjay Yadav Wagh & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Ashutosh S. Kale I/b Mr. Rajesh Shivaji Jadhav for the Applicants

Mr. S. S. Pednekar, A.P.P for the Respondent-State

Mr. Pritesh Bohade for the Intervener

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 1st SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-118 of 2015 registered with the Malegaon Taluka Police Station, Nashik, for the alleged offences punishable under Sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code, 1870.

3. The alleged incident is stated to have taken place on 11th May, 2015. With respect to the said incident, two C.Rs. have been registered; one is the present C.R. and the other is C.R No. 114 of 2015 lodged by Sanjay Yadav Wagh (applicant No. 1) as against Dattu Bhiva Gore, Suresh Ankush Sonawane, Walmik More and Dashrath Shinde for the alleged offences punishable under Sections 326, 323, 504, 506 and 34 of the Indian Penal Code.

4. In the present C.R, in which the applicants are seeking pre-arrest bail has been lodged by Suresh Ankush Sonawane on 17th May, 2015 as against the present two applicants and others. According to the complainant, the applicant No. 1 assaulted him with an axe on his head and the applicant No. 2 assaulted him with a wooden stick.

5. Perused the injury certificate of the complainant. The complainant has sustained grievous injury on his left temporal region. The injury is alleged to be a grievous injury.

6. Considering the specific overt act attributed to the applicant No. 1 which corresponds with the injury certificate of the complainant, no case is made out for grant of protection to applicant No. 1-Sanjay Yadav Wagh.

7. As far as applicant No. 2-Bapu Yadav Wagh is concerned, he is alleged to have assaulted the complainant with a wooden stick. There is no corresponding injury. Hence, applicant No. 2 is granted anticipatory bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant No. 2 Bapu Yadav Wagh be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The applicant No. 2 shall attend the concerned Police Station on every Saturday from 10:00 a.m. to 11:00 a.m. till the filing of the charge-sheet;

(iii) The applicant No.2 shall cooperate with the investigating agency and shall not tamper or attempt to influence the witnesses or any person concerned with the case.

8. The Application is partly allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. In view of the above order, the intervention application also stands disposed of.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.