

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1008 OF 2015

Madhu Kisan Kadu	.. Applicant
Versus	
State of Maharashtra	.. Respondent

Mr. R.B. Raghuwanshi, Sr. Advocate i/b Mr. Ratnesh Dube for the Applicant.

Mr. Arfan Sait, A.P.P. for Respondent - State.

Mr. P.K. Shitole, P.S.I. L.C.B. Pune (Rural) present.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : JULY 31, 2015**

P.C. :-

1 This Application is moved for pre-arrest bail, as the applicant/accused is apprehending arrest for the offences punishable under Sections 307, 326, 325, 143, 147, 148, 149, 504, 506 in C.R. No.82 of 2015 registered with Lonavala Gramin Police Station, Pune.

2 One P.D. Chavan gave information to the police on 25.5.2015 that he is employed in Hotel Kinara at Waksai Naka and in the said Hotel on 23.5.2015 applicant accused along with co-accused arrived there. They had dispute in regard to the food and manhandling by the Manager of the Hotel and waiter. Due to the intervention of the other people, applicant/accused and co-accused went away. However, on the night intervening 24.5.2015 and 25.5.2015, applicant accused along with co-accused arrived at the hotel armed with weapons and assaulted the complainant and other six waiters with iron rods, sticks and 6 persons were assaulted. The injured were taken to the hospital for treatment and then offence is registered.

3 Learned Senior Counsel appearing for applicant/accused submits that the applicant is falsely implicated in the case. He relied on the report filed under Section 169 by police in respect of one Shashi Gade whose name has been mentioned in the F.I.R. as an assailant. It is further submitted that another accused whose name is also mentioned in the F.I.R. i.e. Jairam Bhosale, is given interim protection as prima facie his request was accepted by this Court. It is further submitted that it shows that complainant has denied to take name of the persons in the village and thus, the applicant/accused is falsely implicated by him and the complainant is not to be believed. He further submitted that moreover there are no criminal antecedents. Most of the weapons are recovered by police from the other accused. Hence his custody is not required.

4 Learned Prosecutor has opposed the application. He relied on the medical certificate of the injured persons. He further submitted that the offence is committed in two parts. The applicant accused was present on both the occasions and has assaulted the complainant and six more persons.

5 Perused the F.I.R., injury certificate and the statement of the witnesses. It appears from the record that the offence of assault has taken place and the name of applicant/accused is specifically mentioned as an assailant by the complainant and other witnesses. However, the injuries caused are simple in nature and as the applicant/accused does not have criminal antecedents, I am inclined to grant bail.

6 Hence, I grant bail as under :-

- a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount.
- b) He shall not pressurize or harass the complainant and other witnesses.
- c) Applicant/accused shall not enter Waksai Village for a period of 3 months.
- d) Applicant/accused shall not indulge into any offence and is directed to cooperate with the police and attend the concerned police station on every Monday between 4.00 p.m. to 6.00 p.m., till filing of the chargesheet.
- e) In the event of breach of any of the condition, the prosecution will be at liberty to move the Court for cancellation of bail.

7. The application stands disposed of on above terms.

(MRS. MRIDULA BHATKAR, J.)