

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1016 OF 2015

Mahesh Ishwarsingh Pardeshi

... Applicant

Vs.

The State of Maharashtra

... Respondent

Ms. Noorseema M.U. Baig, Advocate for the applicant.

Mr. Arfan Sait, APP for the State.

P.C./2400 Mr. P.R. Borase, Ghoti Police Station, Nashik (Gramin) present.

CORAM: **MRS.MRIDULA BHATKAR, J.**DATE : **AUGUST 3, 2015****P.C.:**

This Application is moved for pre-arrest bail, as the applicant/accused is facing prosecution under sections 326, 323, 143, 147, 148, 504, 506 r/w. 34 of the Indian Penal Code in C.R. No. 92 of 2015 registered with Ghoti Police Station, District Nashik.

2. One Nivrutti Pandurang Bhosale gave complaint to the police that his family and the family of applicant/accused are having inimical relations due to encroachment and boundary disputes. On 1st June, 2015 he and his son Sharad Bhosale found that Ishwarsingh Pardeshi, father of the applicant/accused has used their soil for levelling the road, therefore, they had quarreled. At that time, father of the applicant/accused, applicant/accused, his brother and mother abused the complainant and his son and assaulted them with kicks and fist blows and one of the son of Ishwar Singh assaulted the complainant with iron rod, due to which, theb

middle finger of his left hand is fractured. They were treated. Thereafter, the complainant went to the police and gave FIR on 17th June, 2015.

3. The learned counsel for the applicant/accused has submitted that there is a cross case. The complainant and his family members were aggressive. Dahesh Pardesh, brother of the applicant/accused, gave information to the police on 1st June, 2015, pursuant to which FRI No. 83 of 2015 was registered for the offences punishable under sections 325, 324, 323, 504, 506 of the Indian Penal Code against the complainant and his son. The learned counsel submitted that in the said assault, Dahesh Pardeshi was beaten up by the complainant and Ishwar Singh was assaulted by complainant's son Sharad Bhosale in which Ishwar Singh lost his two teeth. The mother of the applicant/accused was also assaulted. The learned counsel submitted that there is a delay of 16 days in giving complaint in the present case. She submitted that the applicant/accused is falsely implicated in the present case and he does not have any criminal antecedents on his account.

4. Learned APP opposed the Application. On the basis of telephonic instructions from the Investigating officer, learned APP made submissions. He produced medical certificate of the complainant and his son Sharad Bhosale. He submitted that the middle finger of left hand of the complainant was fractured and the injury caused to him was grievous in

nature and there is every possibility that both the families will again involve in fighting. He further pointed out two cross NCs dated 21st April, 2015.

5. Perused the FIR, documents produced by the learned APP and also the learned counsel for the applicant. The injury certificate of complainant Nivrutti Bhosale discloses that middle finger of left hand was fractured. However, there is a cross-complaint in which the father of the applicant/accused lost his two teeth. It is also informed that litigation is pending before the Civil Court. Except NC which is filed by complainant's family member, there is no criminal antecedent against the applicant/accused. In view of this, I am inclined to grant pre-arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- i) In the event of arrest, 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) As the families are neighbours, the applicant shall not indulge into any kind of criminal activity and he shall not pressurize and threaten the complainant and his family members himself or through any other person.
- iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Monday and

Friday between 6 p.m. to 7 p.m. till the filing of the charge sheet.

vi) Breach of any of the conditions shall amount to cancellation of pre-arrest bail forthwith.

6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)