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

ANTICIPATORY BAIL APPLICATION NO.1102 OF 2015

Shivam Manish Sahani	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr.Satyavrat P. Joshi, for the Applicant.

Mr.Arfa Sait, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE, J.
DATE : 24th AUGUST, 2015**

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.
2. By this Application, the Applicant seeks pre-arrest bail, in connection with C.R. No.64 of 2014, registered with the Wakad Police Station, Pune, for the alleged offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code.

3. According to the prosecution in an incident which took place on 23rd October, 2014, one Avinash Singh, Roshan Sahani and Dheeraj Singh were assaulted by the accused, as a result of which both Avinash Singh and Dheeraj Singh suffered grievous injuries on the head. It is alleged that the Applicant was also present at the time when the alleged incident took place and that he had assaulted the complainant – Umesh Hake with a wooden stick.

4. Learned Counsel for the Applicant submitted that with respect to the same incident of 23rd October, 2014, the accused have also lodged an FIR being C.R.No.65 of 2014 with the Wakad Police Station, Pune, alleging offences punishable under Sections 324 r/w 34 of the Indian Penal Code. The said FIR has been lodged as against Dheeraj, Umesh and Avinash. He submitted that the present applicant is a student of S.N.B.P. College of Arts, Commerce and Science, Pune. He submitted that Avinash Singh and Dheeraj Singh allegedly suffered grievous injuries and that it is not the prosecution's case that it was the applicant who caused the said injuries. He submitted that the applicant is alleged to have assaulted the complainant – Umesh with a wooden stick, however, Umesh has not

sustained any injuries.

5. Learned APP states that the name of the applicant is disclosed in the FIR and that when the complainant – Umesh Hake had gone to the house of Roshan, the applicant had assaulted him on his right hand and left shoulder.

6. Perused the papers. It appears that Umesh has not sustained any injury and there is no injury certificate of Umesh on record. The applicant is aged 20 years and is a student. Admittedly, the applicant has not assaulted either Avinash Singh or Dheeraj Singh.

7. Considering the aforesaid facts, the applicant deserves to be granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.50,000/- with one or two sureties in the like amount ;

- ii) The Applicant shall attend Wakad Police Station, Pune, on the every Sunday between 10.00 a.m. to 11.00 a.m., till the filing of the charge-sheet ;
 - iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
 - iv) The Applicant shall co-operate in the conduct of the trial.
8. The Application is allowed and disposed of in above terms.
9. It is made clear, that the observations made herein are prima-facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
10. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.