

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1106 OF 2015

Kiran Dattatray Khomne	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. B.A. Aloor, Advocate for the applicant.
Mr. S.S. Pednekar, APP for the State.
I.O. Mr. T.S. Walke, P.S.I., Hadapsar Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 5, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is apprehending arrest under sections 326, 341, 143, 147, 149, 427 of the Indian Penal Code, under section 37(1) r/w. 135 of Bombay Police Act and under sec. 4(25) of Arms Act in C.R. No. 319 of 2015 registered with Hadapsar Police Station, Pune.

2. It is the case of the prosecution that the incident of assault has taken place on 27th June, 2015 at around 18.30 hours. One Sonu Manoj Kumar gave information to the police that the applicant/accused along with co-accused assaulted him on a ground that he was residing with Bhim Shinde. The complainant was assaulted with sickle by the applicant/accused and co-accused assaulted him with bamboo.

3. The learned counsel for the applicant/accused submitted that at the

instance of Abhijit Krishna Bhosale, an offence was registered against complainant and his associated at C.R. No. 320 of 2015 registered with Hadapsar Police Station. He submitted that there is a cross case.

4. Learned APP opposed the Application. He produced injury certificate. The complainant was assaulted with sickle.

5. Perused the FIR and the injury certificate. It shows that the complainant has received two CLWs- one on the head and other on elbow. These injuries are simple in nature. It is confirmed that there is no criminal record of the applicant/accused. I am of the view that custodial interrogation of the applicant/accused is not required. In view of this, I am inclined to grant pre-arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
- ii) 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;
- iii) The applicant shall not tamper with the evidence;
- iv) The applicant shall not indulge into any kind of criminal activity.
- v) The applicant shall not harass and threaten the complainant.

vi) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Saturday between 6 p.m. to 7 p.m. till the filing of the charge sheet.

vii) In the event of breach of any of the aforesaid conditions, liberty is granted to the learned Prosecutor to move an application for cancellation of pre-arrest bail.

6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)