

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1177 OF 2015**

Avinash Mahadev Suryawanshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Umesh R. Mankapure for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26TH AUGUST, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 141 of 2015 registered with the Shivaji Nagar Police Station, Ichalkaranji, Kolhapur, for the alleged offences punishable under Sections 307, 323, 504, 506 r/w 34 of the Indian Penal Code, 1870.

3. The complainant is one Jahangir Patekari. He has alleged that on 17th July, 2015, Mahadev Suryawanshi assaulted him with a koyta on his head and that the present applicant gave fist and kick blows. Although the

present applicant has not been named in the said FIR, it is said that Mahadev's second son assaulted him with fist and kick fist blows. It is pertinent to note that with respect to the same incident, the applicant's father Mahadev has also lodged a complaint/FIR which was registered vide C.R. No. 142 of 2015, alleging offences punishable under Sections 325, 307, 324, 323, 435, 427, 452, 341, 143, 147, 149, 504, 506 of the Indian Penal Code, 1870, under Section 135 of the Bombay Police Act and under Section 3(1)(x), 3(2), (3), 6 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In the said incident, Mahadev Suryawanshi had suffered grievous injury and the present applicant has sustained a fracture and his brother sustained simple injury.

4. Considering the nature of allegations and the cross complaints filed by the parties, the applicant is granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the concerned Police on every Saturday between 10:00 a.m. to 11:00 a.m. till filing of the charge-sheet;

(iii) The applicant shall cooperate with the investigating agency and shall not tamper or attempt to influence the witnesses or any person concerned with the case.

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

8. 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.

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

REVATI MOHITE DERE, J.