

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1205 OF 2015

Rohit alias Prashant Dhruv .Applicant
Surwanshi

v/s.

The State of Maharashtra .Respondent

Mr.Prashant Jadhav a/w. Mr.S.S.Tambekar,
Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.No.
48 of 2015 registered with the Hatkanangale
Police Station, Kolhapur, for the alleged
offences punishable under Sections 323, 395 &
504 of the Indian Penal Code, 1870.

3. The incident in question has taken place on 30.03.2015 at about 12.30 p.m. According to the complainant, when the palkhi reached near the Hanuman Mandir, the present applicant alongwith 20 to 30 persons allegedly came there and started manhandling people. He has alleged that despite the Yatra Committee members warning them to leave the palkhi procession, they refused to do so. He has alleged that instead of leaving, the accused started abusing them in filthy language and all the accused started assaulting. It is alleged that amongst those persons, some persons snatched a 10 gm gold chain of the complainant and 20 gm gold necklace of the complainant's wife.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the said case, due to political

rivalry. He submits that in fact, at the time of the incident the applicant was on duty at the Primary Health Centre, Sawarde. He has relied on the Medical Certificate issued by the Medical officer, PHC, Sawarde, District – Kolhapur which is at page No.16 of the application. He has also tendered a copy of the muster roll, which shows that the applicant was present on duty at the relevant time when the alleged incident is stated to have taken place. The said muster role is taken on record and marked as "X" for identification.

5. Learned APP was directed to verify from the Primary Health Centre, Sawarde, District – Kolhapur, whether the applicant was present on duty on the said date of the alleged incident. She states that the investigating officer has not taken any instructions in that direction.

6. Perused the FIR. It appears that the nature of injuries sustained by the complainant are simple in nature. It also appears that the present complaint has been lodged as against ten known persons and 20-30 unknown persons. Although, the name of the applicant is disclosed in the FIR, no specific overt act is attributed to him.

7. Considering the nature of allegations, the material on record and the fact that the name of the applicant although disclosed in the FIR, no specific overt act is attributed to him, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

- (ii) The applicant shall attend the Hatkanangale Police Station, Kolhapur as and when called for by the investigating officer;
- (iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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

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.

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

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.