

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1235 OF 2015

1. Bhagwant alias Balasaheb .Applicants
Bhanudas Pathak

2. Ajay Dilip Bagul

v/s.

The State of Maharashtra .Respondent

Mr.H.E.Palwe, Advocate, for the Applicants

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.09.2015

P.C.

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

2. At the outset, learned counsel for the applicants seeks leave to amend, to correct the C.R.Number. Leave granted. Amendment to be carried out forthwith.

3. By this application, the applicants seek pre-arrest bail in connection with C.R.No. I-348 of 2014 registered with the Panchvati Police Station, Nasik, for the alleged offences punishable under Sections 342, 363, 394, 395, 504 & 506 of the Indian Penal Code, 1870.

4. According to the complainant - Bhaskar Shamrao Patil, the alleged incident took place on 21.11.2014 at about 4.30 p.m.. According to the complainant, he was assaulted and forcibly made to sit in the car, by Bhaskar Devchand Patil, Ajay Bagul, Balasaheb and others. After the complainant was made to sit in the car, he was again abused and assaulted. The complainant has alleged that one Pathak pulled out three gold rings from his finger and Rs.5,000/- from his pocket and thereafter he was assaulted again. The applicant has also lodged a cross-complaint which was registered vide C.R.No.I-349

of 2014 for the alleged offences punishable under Sections 323, 395, 504 & 506 of the Indian Penal Code.

5. Learned counsel for the applicants states that pursuant to the FIR, the complainant's supplementary statement was recorded after seven days. He states that in the said supplementary statement, the complainant has stated that the three gold rings and Rs.5,000/- which were allegedly snatched from him, were found in the house. He submits that in view of the said statement of the complainant, sections 394 & 395 would not apply to the facts of the present case.

6. Learned APP does not dispute the said fact, that in the supplementary statement the complainant has withdrawn the allegation with respect to snatching of three gold rings and

Rs.5,000/-.

7. Perused papers with respect to the incident of 21.11.2014. There are cross cases filed by the parties. Prima facie, sections 394 & 395 would not apply to the facts of the case.

8. Considering the supplementary statement of the complainant and the fact that rest of the sections are bailable, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

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

(ii) The applicants shall attend the Panchvati Police Station, Nasik as & when

called for by the investigating officer till filing of the charge-sheet;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their 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.

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

10. 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.