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

ANTICIPATORY BAIL APPLICATION NO.1237 OF 2015

Ashok Shravan More and Ors.	... Applicants
Vs	
The State of Maharashtra	... Respondent

Mr.S.R.Ganbavale, for the Applicants.

Ms.Veera Shinde, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 31st AUGUST, 2015

P.C. :

1. Heard learned counsel for the Applicants and learned APP for the Respondent - State.

2. By this Application, the Applicants seek pre-arrest bail, in connection with C.R. No.I-190 of 2015, registered with the Malegaon Taluka Police Station, Nashik, for the alleged offences punishable under Sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. The incident in question has taken place on 10th July, 2015 at about 1.00 p.m. It is alleged that the applicants were constructing on the Gram Panchayat land, near the land of the complainant. It is alleged that when the complainant tried to persuade them to stop the construction, the applicants started assaulting the complainant with fists and kick blows. It is alleged that the mother of the complainant, sister-in-law, one Jagdish Pawar, complainant's wife – Shobha, Aunt – Mirabai Wagh, Rahul Wagh tried to intervene, however, the applicants assaulted the aforesaid persons.

4. Learned Counsel for the Applicants states that the Applicant nos.1 and 3 allegedly assaulted Satyabhama Raghunath Pawar by fists and kick blows.

5. Perused the FIR and the injury certificate of Satyabhama Raghunath Pawar. The injury certificate reveals that Satyabhama had suffered a blunt trauma over her abdomen and was advised to do a sonography. In the remark column, the injury is stated to be a grievous injury and the injuries on the chest and head are stated to be simple injuries. The incident in question had taken place on 10th July, 2015 ; the complaint was lodged on

17th July, 2015 and the injury certificate which was produced by the complainant is dated 16th July, 2015. Admittedly, in the said assault no weapons were used. It also appears that the incident in question had taken place at the spur of moment.

6. Considering the nature of allegations, the material on record and the fact that no weapons were used in the assault, the applicants are granted anticipatory bail on the following terms and conditions :

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on 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 Malegaon Taluka Police Station, Nashik, on every Saturday between 10.00 a.m. to 11.00 a.m., till the filing of the charge-sheet ;
- iii) The Applicants shall not tamper or attempt to contact or influence any witness concerned with the case.

7. The Application is allowed and disposed off in above terms.

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. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.