

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1630 OF 2015**

Saddam Tilu Patekari & Ors.

...Applicants

Versus

State of Maharashtra

...Respondent

Mr. Ganesh K. Gole I/b Mr. A. R. Bhalchim for the Applicants

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. 142 of 2015 registered with the Shivaji Nagar Police Station, Ichalkaranji, Kolhapur, for the alleged 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.

3. Perused the FIR lodged by Mahadev Suryawanshi. Although all the four applicants have been named in the FIR, no specific overt act has been attributed to any of the applicants. According to the complainant, Jahangir Patekari along with the present applicant and 7 to 8 other persons came on the spot, assaulted him and his two sons with fist and kick blows and thereafter, pelted stones on them. He has not attributed any specific role to any specific person. It appears that Mahadev Suryawanshi suffered a grievous injury on his head and is still in the hospital. In the said case, with respect to the incident of 17th May, 2015, there are cross complaints. There is another C.R., which is lodged by Jahangir Patekari, which is registered vide C.R. No. 141 of 2015, wherein, he has alleged that the complainant in the present case i.e. Mahadev assaulted the complainant Jahangir Patekari with a koyta on his head. The injury certificate also shows that Jahangir has sustained head injury. The applicants have been in custody since their arrest.

4. Considering the nature of allegations and the fact that no overt act has been attributed to any of the four applicants, the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be released on bail in connection with C.R. No. 142 of 2015 registered with the Shivaji Nagar Police Station, Ichalkaranji, Kolhapur, on executing PR Bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall not tamper or attempt to contact any witness concerned with the case;
- (iii) The applicants shall inform their latest place of residence and mobile contact numbers immediately after being released 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 Shivaji Nagar Police Station, Ichalkaranji, Kolhapur;
- (iv) The applicants to cooperate with the conduct of the trial;

(v) The applicants shall attend the concerned Police Station on every Saturday between 10:00 a.m. to 12:00 noon till the filing of the charge-sheet;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

6. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

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

REVATI MOHITE DERE, J.