

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

ANTICIPATORY BAIL APPLICATION NO.1367 OF 2015

Pushpak Pandurang Gurav & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ashok Munderggi, Senior counsel i/b. Mr. Kedar Lad for
the Applicants.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 23rd NOVEMBER, 2015.

P. C. :

This is an application for pre-arrest bail filed by the Applicants herein in apprehension of their arrest in Crime No.166 of 2015 registered with Rajwada police station, Kolhapur, for the offences punishable under sections 307, 505 and 506 (1) r/w. section 34 of the IPC.

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

3. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The records prima facie reveal that one Udaysingh Rajendra Gaikwad had lodged a private complaint dated 16th July, 2015 that on 30.6.2015 both the Applicants herein had assaulted, abused and threatened him. Based on the said information N.C. was registered. The Applicants subsequently filed a private complaint before the learned Judicial Magistrate, First Class, Kolhapur. By order dated 4th August, 2015 under section 156 (3) of the Cr.P.C the learned Magistrate directed the police to register the FIR. Pursuant to the said order, the statement of the complainant was recorded and FIR No.166 of 2015 for the offences punishable under sections 307, 504 and 506 r/w. section 34 of the IPC has been registered on 12th August, 2015.

5. In the said statement/FIR the complainant has stated that on 30.6.2015 at about 1.00 a.m., the Applicant No.1 had assaulted him with a sharp weapon and had caused injuries on his nose and hands. He has stated that he was taken to CPR hospital on the same day. A perusal of the Medical certificate reveals that the injuries were caused by hard and blunt object. There is no prima facie material to show that injuries were sutured. In my considered view, the delay in lodging the complaint, the nature of the allegations levelled as well as the nature of material so far collected does not justify custodial interrogation. The

Applicants are the permanent resident of Shivajipeth, Kolhapur, there is no possibility of the Applicant absconding or fleeing from the course of justice.

6. Under the circumstances, the anticipatory bail application is allowed on the following terms and conditions :

(i) In the event of arrest of the Applicants in Crime No.166 of 2015 registered with Rajwada police station, Kolhapur, the Applicants be released on bail on furnishing bond of Rs.20,000/- (Rupees Twenty Thousand Only) each with one surety in the like amount to the satisfaction of the J.M.F.C., Kolhapur.

(ii) The Applicants to report to the Investigating Officer for four days between 10.00 a.m. to 1.00 p.m. and further as and when required by the Investigating Officer for the purpose of the investigation and interrogation.

(iii) The Applicants shall not interfere with the complainant or the witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)