

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

ANTICIPATORY BAIL APPLICATION NO.1490 OF 2015

Dharma Laxman Rathod & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Vinod P. Sangvikar i/b. Mr. Umesh R. Mankapure for the
Applicants.

Ms R.V. Newton, 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.29 of 2015 registered with Mandrup Police Station, District-Solapur, for the offences punishable under sections 307, 143, 147, 148, 149, 323, 504 and 506 of the IPC.

2. At the outset it may be mentioned that the learned counsel for the Applicants had made a statement that he is not pressing for the application on behalf of the Applicant No.2 and is restricting the relief as regards the Applicant No.1.

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 FIR prima facie reveals that there was dispute between the family of the Applicants and the complainant over the construction of the road in front of the house of the complainant. It is alleged that on 27.2.2015 at about 8.00 p.m. to 9.00 p.m. the Applicants and their family members gathered in front of the house of the complainant and had abused them and thereafter Mohan Rathod, Pravin Rathod and Dharma Rathod were armed with Koyta and that the others were armed with sticks and that they had assaulted the complainant and his family members.

5. Prima facie the FIR does not attribute any specific role or act to the Applicant No.1. There is also no medical certificate to show that the complainant or his family members have sustained injuries which were likely to cause death. It is not in dispute that son of the Applicant No.1 has also lodged a cross complaint against the

complainant and his family members in respect of the said incident. The nature of allegations levelled against the Applicant No.1 do not warrant custodial interrogation. The Applicant No.1 is a resident of Mandrup, Dist. Solapur, hence, there are no chances of his absconding or fleeing from justice.

6. Under the circumstances and in view of discussion supra, the anticipatory bail application is allowed on the following terms and conditions :

(i) In the event of arrest of the Applicant No.1 in Crime No.29 of 2015 registered with Mandrup Police Station, District -Solapur, the Applicant No.1 be released on bail on furnishing bond of Rs,15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount to the satisfaction of the Judicial Magistrate, First Class, Solapur.

(ii) The Applicant No.1 shall 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 Applicant No.1 shall not interfere with the complainant or his family members or other witnesses.

(ANUJA PRABHUDESSAI, J.)