

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

ANTICIPATORY BAIL APPLICATION NO.1625 OF 2015

Bhagwan Shankar Tele & Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Sachin B. Chandan for the Applicants.

Mr. Rajesh More, APP for the Respondent - State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th DECEMBER, 2015.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicants in apprehension of their arrest in Crime No.119 of 2015 registered with Yavat Police Station, Taluka-Daund, District Pune, for the offences punishable under sections 143, 147, 149, 323, 326, 504 and 506 of the IPC.

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

3. At the outset the learned counsel for the Applicants seeks leave to withdraw the application as against Applicant Nos.1, 3 and 4

on the ground that the said Applicants were already arrested and subsequently released on bail.

4. The learned counsel for the Applicants has submitted that there is no material on record to show the involvement of the other Applicants in commission of the said crime and the presence of the Applicants is not required in the custody for the purpose of investigation.

5. The learned APP submits that the material on record prima facie shows that the Applicant Nos.2 and 6 were armed with dangerous weapons and had inflicted grievous injury on the complainant and his son. He further submits that the material on record prima facie shows that the Applicant No.5 Gulab Tele is also involved in inflicting serious injury on the victims. He further submits that the offence is of serious nature and presence of the Applicants is required for the custodial interrogation.

6. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The records prima facie reveal that on 6.5.2015 at about 6.35 p.m. the Applicants alongwith and the other co-accused had gone to the field

armed with weapons and had abused and assaulted the complainant and his family members and had inflicted injuries on them. The complaint as well as the statements of the witnesses prima facie reveal that the Applicant No.2 Waman Tele was armed with a sword and that he had inflicted injuries on Dhanaji and the complainant. The medical certificate prima facie indicates that said Dhanaji had sustained grievous injury. Similarly, material on record prima facie reveals that the Applicant No.5 Gulab Tele had assaulted them with the handle of a spade and the Applicant No.6- Balaso Tele had inflicted injury on the forehead of the complainant by means of a sickle.

7. The medical certificate prima facie indicates that the complainant had sustained grievous injury on his forehead. The material on record, therefore, prima facie reveals that the Applicant Nos. 2, 5 and 6 had gone to the field armed with weapons and had assaulted the complainant and his son Dhanaji and had thereby caused grievous injuries to them. Thus, prima facie there is material to show the involvement of the Applicant Nos.2, 5 and 6 in commission of a serious crime. As against the other Applicants there is no prima facie material to show that they had inflicted serious injury on the complainant and his family members. Considering the above facts and

circumstances and also considering the gravity of the offences, the Applicant Nos. 2, 5 and 6 are not entitled for bail.

8. Under the circumstances and in view of the discussion supra, the application is dismissed as against Applicant Nos. 2, 5 and 6. The application is allowed to be withdrawn as against Applicant Nos. 1, 3 and 4. The application is allowed as against Applicant Nos.7 to 12 on the following terms and conditions:-

- (I) In the event of arrest of the Applicant Nos.7 to 12 the Applicant Nos.7 to 12 shall be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand only) each with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Baramati.
- (II) The Applicant Nos.7 to 12 shall report to the Investigating Officer initially for a period of four days from 10.00 a.m. to 1.00 p.m. and further as and when required for the purpose of investigation and interrogation.
- (III) The Applicant Nos.7 to 12 shall not interfere with the complainant or witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)