

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

ANTICIPATORY BAIL APPLICATION NO.1689 OF 2015

Gorakh @ Amol Baban Bandgar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Rupesh A Zade, Adv. for applicant.
G P Mulekar, APP for State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 30th November, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.159 of 2015 registered at Bhigwan Police Station, for the offences punishable under Sections 326 r/w.34 of IPC.

2. Heard the learned counsel Mr. Zade for the applicant and the learned APP for the State. I have perused the FIR and considered the submissions advanced by the learned counsel for the respective parties.

3. The records prima facie reveal that one Shri Sanjay Bhimrao Tanpure had lodged FIR dated 29th September, 2015 stating that on 26th September, 2015 at about 18.30 p.m. there was a quarrel between him, one Baban Ghaitonde and the applicant herein who were in sand extraction business. He has stated that the applicant herein had inflicted a blow of iron rod on his head. He has stated that two persons who were present along with applicant also assaulted

him by wooden sticks. The records further reveal that the complainant had sustained one CLW over head and a deep and superficial abrasion. The doctor has opined that the injury was caused by a hard and blunt object.

4. It is also pertinent to note that the applicant had also lodged a FIR against complainant and others for assaulting and causing death of Vinod Bandgar. The complainant had not disclosed these facts in the complaint dated 29th September, 2015, which was lodged only after registration of crime No.156 of 2015 against the complainant and others for the offences punishable under Sections 302, 307, 143, 147, 148, 149 of IPC. The above facts would not warrant custodial interrogation. The applicant is the permanent residents of village Bhigwan, Tal. Indapur, Pune and there are no chances of his absconding or fleeing away from justice.

5. Under the circumstances and in view of the discussion supra, the application is allowed on following terms:

1. In the event of arrest of the applicant in Crime No.159 of 2015 registered at Bhigwan Police Station, for the offences punishable under Sections 326 r/w.34 of IPC the applicant be released on bail bond of Rs.15,000/(Rupees Fifteen Thousand Only) each with one or two sureties in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Indapur, Pune.
2. The applicant shall report to the investigating officer for 7 days and further as and when required by the investigating officer

for the purpose of the interrogation.

3. The applicant shall not leave Indapur, Pune without prior permission of JMFC, Indapur.

(ANUJA PRABHUDESSAI, J.)