

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1699 OF 2015

Mr. Dayananad Bajirao Patil : Applicant
Vs.
The State of Maharashtra : Respondent

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Mr. Purushottam G. Chavan for the applicant.
Ms. R. V. Neutan, Addl. Public Prosecutor for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : December 14, 2015.

P.C. :

. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No. 167 of 2015 registered at Karad Taluka Police Station for offences under section 143, 147, 148, 307, 326, 324 and 323 r/w. 49 of the IPC.

2. The case of the prosecution in brief is that :

On 27th August 2015 at about 18 :15 hours, the applicant and others formed an unlawful assembly, armed with sword and other deadly weapons and assaulted one Ravindra and others by means of swords, rods, sticks, etc., and thereby attempted to cause their death.

3. The application for anticipatory bail, being Criminal Misc. Application No. 175 of 2015 filed before the Sessions Court at Karad was dismissed by an order dated 1st October 2015. The Applicant, therefore, filed the present Application under section 439 of the CrPC.

4. Mr. Purushottam G. Chavan, learned counsel for the applicant, has submitted that there is enmity between the applicant and the first informant and that the first informant along with others had assaulted the applicant herein and caused him serious injuries. The applicant had also lodged a complaint against the first informant in respect of the same incident. The material on record does not prima facie indicate that the applicant is involved in committing the offence under section 307 of the IPC.

5. The learned Addl. Public Prosecutor for the State has submitted that there is prima facie material to indicate that the applicant was involved in inflicting grievous injuries on the vital part of the first-informant. She submits that the material on record prima facie proves that the applicant intended causing death of the first

informant. She, therefore, claims that the applicant is not entitled for the anticipatory bail.

I have perused the records and considered the submissions advanced by the learned Counsel for the applicant and the learned Addl. Public Prosecutor for the State. The records prima facie reveal that there is rivalry between the family of the applicant and the first informant. The said rivalry resulted in altercation and quarrel between the two groups. It is not in dispute that the members of both the groups have sustained injuries and have lodged complaint and counter-complaint against each other. Considering this fact and also considering the nature of the injuries, in my considered view, this is not a fit case which would justify custodial interrogation. The applicant is a permanent resident of Shenoli, Tal. Karad, Dist. Satara. Hence there is no possibility of the applicant absconding or thwarting the course of justice.

6. Under the circumstances, the application is allowed on the following terms and conditions ;

(a) In the event of the arrest of the applicant in Crime No. 167 of 2015 registered at Karad Taluka Police Station, the applicant shall be released on bail on furnishing Bail Bond

of Rs. 15000/- (Rupees Fifteen Thousand only) with one or two sureties in the like amount.

- (b) The applicant shall report the Investigating Officer for 7 days from 10.00 a.m to 1.00 p.m for interrogation and investigation.
- (c) The applicant shall not interfere with the complainant or the witnesses and shall not tamper with the evidence, in any manner.

(ANUJA PRABHUDESSAI, J.)