

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1792 OF 2015

Arun Bodhala Godase ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. S.S. Choudhari for the Applicant

Mrs. Veera Shinde, APP for the Respondent-State.

Mr. Ganesh Pophale, Police Naik.attached to Mohol Police Stn.
Solapur is present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 09, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.186 of 2015 registered with Mohol Police Station for the offence punishable under Section 307, 452, 427, 504, 143, 147, 148 and 149 of the Indian Penal Code and 135 of the Bombay Police Act.

2. Shri Choudhari, learned Counsel for the applicant has submitted that there is rivalry between the family of the complainant and of the applicant, and that they have filed complaints against each

other in respect of the same incident. He has further stated that the complainant and the other co-accused have already been released on bail in C.R.No.182 of 2015 which was registered pursuant to the complaint lodged by the brother of the applicant. He has submitted that the material on record does not prima facie indicate that the applicant herein was involved in committing the offence under Section 307 of I.P.C.

3. The learned APP submitted that the offences are of serious nature and as such the applicant is not entitled for bail.

4. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State.

5. FIR dated 25.5.2015 registered by Kiran Patole prima facie reveals that on 23.5.15 there was a quarrel/scuffle between his family and the family of the applicant. It was alleged that on 24.5.2015 at about 8.30 p.m. while Rajaram Patole , the father of the complainant had gone to village Yevati, the applicant and the other co-accused in C.R. 186 of 2015 abused him and assaulted him with iron rod and stones. The complainant has further stated that when

he tried to intervene, the applicant came to the spot armed with sword and assaulted him and others. The allegation against the applicant herein is of assaulting one Rohan Patole by means of sword. The medical certificate prima facie reveals that said Rohan Patole has sustained an CLW on left temporal region. The medical certificate reveals that the said injury was simple in nature. The nature of the injuries sustained by Rohan would prima facie not bring the offence within the purview of Section 307 of IPC.

6. It is also pertinent to note that the applicant had also lodged FIR in respect of the said incident being C.R.No.182 of 2015. The records prima facie reveal that the complainant and the other accused in the said crime have already been released on bail.

7. Considering the above facts and circumstances, in my considered view, the applicant is entitled for bail. Hence, the application is allowed on the following terms and conditions:-

i) In the event of arrest of the applicant in Crime No.186 of 2015 of Mohol police station, the applicant be released on bail, on the applicant on furnishing bail bond of Rs.15000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount to the

satisfaction of the learned JMFC. Mohol.

ii) The applicant shall report to the Investigating Officer for seven days between 10 a.m. to 1.p.m. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.

iii) The applicant shall not interfere with the complainant and the other witnesses.

(ANUJA PRABHUDESSAI, J.)