

Anand

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

ANTICIPATORY BAIL APPLICATION NO.168 OF 2016

Bharat Bhagwan Pawar .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO.141 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.168 OF 2016**

Shankar Kondiba Jamdade .Intervenor

IN THE MATTER BETWEEN

Bharat Bhagwan Pawar .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.172 OF 2016**

Kiran Bhimrao Pawar & anr. .Applicants

Vs.

The State of Maharashtra .Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.173 OF 2016**

Suryakant alias Kantilal Dasharath .Applicant
Salunke

Vs.

The State of Maharashtra .Respondent

Mr.T.N.Sonavane, Advocate, for the Applicants in
ABA Nos.168, 172, 173 of 2016

Mr.S.S.Salunkhe, Advocate, for the Intervenor
Smt.Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.03.2016

P.C.

. Heard learned counsel for the Applicants
and the learned APP for the Respondent – State.

2. By these Applications, the Applicants seek
pre-arrest bail in connection with C.R.No.I-96 of
2015 registered with the Karkamb Police Station,
District – Solapur, for the alleged offences
punishable under Sections 143, 147, 148, 149, 307,
323, 326, 504, 506 of the Indian Penal Code r/w.135
of the Bombay Police Act.

3. The incident in question has taken place

on 22.11.2015 at 1.00 p.m.. It is alleged that the present Applicants alongwith other accused assaulted the Complainant and others with the help of sticks, axe etc.. Learned counsel for the Applicants states that as far as Kantilal Salunke, the Applicant in ABA No.173 of 2016 is concerned, he is alleged to have been armed with the stick and is alleged to have assaulted the Complainant alongwith other accused and is also alleged to have assaulted Sachin Kashinath Jamdade, Uma Raghunath Jamdade, Jayshree Balasaheb Jamdade & Raviraj Raghunath Jamdade alongwith other co-accused by stick and hand blows.

4. As far as the Applicants in ABA No.172 of 2016 are concerned i.e. Kiran Bhimrao Pawar & Nitin alias Bapurao Bhimrao Pawar, the said Applicants are alleged to have assaulted Raviraj Raghunath Jamdade & Kantilal Vishnu Jamdade with sticks on their hands.

5. Learned APP has produced the Injury Certificates to show the nature of injuries sustained by the injured at the hands of the Applicants in ABA Nos.172 & 173 of 2016. The injuries to Shankar Kondiba Jamdade are as follows :-

(i) Swelling on the left hand caused by hard and blunt object;

(ii) CLW on the right parietal region caused by hard and blunt object.

X ray report stated to be awaited. The said Shankar Kondiba Jamdade (Complainant) is alleged to have been assaulted by Bharat Pawar and all other accused. As far as the injuries caused to Shankar Jamdade, there is no Injury Certificate on record. As far as as the injury caused to Uma Jamdade is concerned, there are abrasions on the right little finger which is stated to be a simple injury. As far as injuries caused to Jayshree Balasaheb

Jamdade & Raviraj Raghunath Jamdade are concerned, both the Injury Certificates are on record. As far as the injuries caused by the Applicants in ABA No.172 of 2016 are concerned, again the Injury Certificate of Raviraj Jamdade is not on record. As far as the injuries caused to Kantilal Jamade is concerned, the injury is on the right middle finger and X ray report of the right shoulder is awaited.

6. Considering the nature of injuries alleged to have been caused by the aforesaid Applicants and the fact that there are no antecedents qua the Applicants, the Applicants are granted anticipatory bail on the following terms & conditions.

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the

investigating officer of the Karkamb Police Station, District – Solapur on every Saturday between 10.00 a.m. and 11.00 a.m. till filing of the charge-sheet;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

7. As far as the Applicant in ABA No.168 of 2016 is concerned, the Application is not pressed qua him and it is disposed of as withdrawn. The statement of the learned counsel for the Applicant on the instructions of the Applicant, who is present in Court is accepted that he will surrender

before the investigating officer on **28.03.2016**.

8. The Application is partly allowed in the aforesaid terms and is accordingly disposed of.

9. In view of disposal of the Anticipatory Bail Applications, the Intervention Application No.141 of 2016 does not survive and the same stands disposed of accordingly.

10. It is made clear, that the observations made herein are, *prima facie*, and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)