

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 656 OF 2016**

Rahul Shabu Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. S. A. Tarale for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

API Mr. D. V. Thakur from Wanwadi Police Station, Pune, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 26th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 45 of 2016 registered with the Wanwadi Police Station, for the alleged offences punishable under Sections 307, 326, 143, 145, 147, 148, 149 r/w 34 of the Indian Penal Code and Section 4(25) of the Arms Act and Section 37(1) r/w Section 135 of the Mumbai Police Act, 1951.

3. Learned Counsel for the applicant submits that according to the complainant, Sanket Pawar and 3 others assaulted him with sword and wooden logs. He submitted that although the complaint is lodged against Sanket Pawar and others, six persons have been arrested so far. He submits that there are no antecedents qua the applicant.

4. Learned A.P.P has tendered the injury certificate of the complainant-Somnath Shivaji Shinde and Naim Papa Sayyed. It appears that both the injured have received grievous injuries. He submitted that considering the nature of injuries, Section 307 of the IPC is now applied to the facts of the present case. He further submits that the arrested accused were put up in the identification parade and the complainant and the other injured have identified 5 persons. He does not dispute that the applicant has no antecedents.

5. Perused the papers. From a perusal of the statement of the complainant, it appears that the complaint is lodged as against Saquib Pawar and 3 others. Even according to the statement of Naim Sayyed, four persons assaulted them. The statement relied upon by the learned A.P.P of

one Abhijit Tekale shows that the applicant was also present at the spot and had assaulted the complainant and Naim Sayyed. The said statement of Abhijit Tekale was recorded on 9th March, 2016, almost one month after the incident.

6. Considering the peculiar facts of this case and the fact that the applicant does not have any antecedents, the applicant is granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on every Saturday from 10:00 a.m. to 11:00 a.m. till the filing of the charge-sheet;
- (iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately to the Investigating Officer of the concerned Police Station.

7. Application is disposed of accordingly.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.