

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1889 OF 2015

Sambhaji Tanaji Fonde and anr. ..Applicants

v/s.

The State of Maharashtra. ..Respondents

Mr. Wasim Samlewale i/b. Umesh Mankapure for the Applicant
Mrs. G.P.Mulekar , APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 14, 2016.

P.C.

1. This is an application for anticipatory bail filed by the applicants apprehending their arrest in Crime No.223 of 2014 registered with Kavathe-Mahankal Police Station, Sangli for offences punishable under Section 143, 147, 148, 149, 323, 326 and 506 of the Indian Penal Code.

2. The case of the prosecution in brief is that the applicants were the members of the unlawful assembly, armed with deadly weapon and that the applicants had caused injuries to one Tanaji Hakle. The

learned Counsel for the applicants has submitted that the injuries sustained by said Tanaji were simple in nature. There is no prima facie material to show the involvement of the applicants in the commission of the offence under Section 307, 326 of the IPC.

3. The learned APP submitted that the applicant no.1 had inflicted injury on Tanaji by means of Axe. Said Tanaji had sustained injury and was hospitalized for 15 days. The weapon of injury is yet to be recovered and the presence of the applicant in custody is necessary for recovery of the weapon.

4. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The records prima facie reveal that the applicant herein had inflicted injury on Tanaji by means of axe. The medical certificate however indicates that the said injury is simple in nature. The allegations against the applicant no.2 is that he had assaulted the victim with stick, kick and fist blows. In the above facts and circumstances, in my considered view, the provisions of Section 307 would not be prima facie applicable to the facts of the present case.

6. Under the circumstances and in view of the discussion supra,

the application is allowed on the following terms and condition:-

- i) In the event of arrest of the applicants in Crime No.223 of 2014 registered with Kavathe-Mahankal Police Station, Sangli, the applicants be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) each, with one solvent surety in the like amount to the satisfaction of the learned JMFC, Kavathe Mahankal, Sangli.
- ii) The applicants shall report to the Investigating Officer for seven days between 10 a.m. to 2.p.m. from the date of receipt of the order and further as when required by the Investigating Officer for the purpose of investigation and interrogation.
- iii) The applicants shall not interfere with the complainant and the other witnesses in any manner.
- iv) The applicants shall not leave the jurisdiction of Sangli District without the prior permission of the learned Magistrate, till the filing of the chargesheet.

(ANUJA PRABHUDESSAI, J.)