

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

ANTICIPATORY BAIL APPLICATION NO. 83 OF 2016

Ramdas Eknath Katekar & Ors.

...Applicants

Versus

State of Maharashtra

...Respondent

.....

Mr. Balwant V. Salunkhe for the Applicants.

Mrs. G. P. Mulekar, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 25th JANUARY, 2016.

P. C. :

1. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No. I-431/15 registered with Navi Mumbai, Panvel City Police Station for the offences punishable under Sections 307, 326, 452, 323, 143, 147 read with Section 149 of the Indian Penal Code.

2. The case of the prosecution is that on 30.12.2015 at about 11.30 to 11.45 p.m. the applicants along with Tanaji Katekar criminally trespassed into the house of Ram Katekar and assaulted him with iron pipes and sticks and caused him serious injuries. Pursuant to the FIR lodged by Ram Katekar, the aforesaid crime was

registered. Apprehending their arrest the applicants herein had filed anticipatory bail application. The said application came to be dismissed by the Additional Sessions Judge, Raigad by an order dated 12.01.2016. Hence the present application.

3. Heard the learned Counsel for the applicants and the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the applicants and the learned APP for the State. The FIR lodged by Ram Katekar states that on 30.12.2015 between 11.30 to 11.45 p.m. the applicants and their brother Tanaji Katekar criminally trespassed into the house of Ram Katekar and inflicted the blows of iron pipes on his head and assaulted him with sticks and caused injuries. The medical certificate prima facie indicates that the complainant had sustained one injury i.e. CLW which the doctor has certified as simple in nature. Considering the above facts and circumstances in my considered view there is no prima facie material to link the applicants with the offence punishable under Section 307 of the Indian Penal Code. The nature of the allegations, therefore, do not justify custodial interrogation.

4. Hence the application is allowed in terms of the following terms and conditions:

- (a) In the event of the arrest of the applicants in Crime No. I-431/2015 registered with Panvel City Police Station the applicants are released on bail furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand only) each with one surety in the like amount to the satisfaction of the Judicial Magistrate First Class, Panvel.
- (b) The applicants shall report the Investigating Officer for 4 days from 10 a.m. to 1 p.m. from the date of the receipt of this order.
- (c) The applicants shall not interfere with the complainant or the other witnesses in any manner.
- (d) The applicants shall not leave Raigad district till filing of the charge-sheet without prior permission of the Judicial Magistrate First Class, Panvel.

(ANUJA PRABHUDESSAI, J.)