

Anand

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

ANTICIPATORY BAIL APPLICATION NO.93 OF 2016

Tukaram Namdeo Yadav .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.D.D.Rananaware, Advocate, for the Applicant

Mr.A.Sait, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.03.2016

P.C.

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

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.92 of 2015 registered with the Pusegaon Police Station, District – Satara, for the alleged offences punishable under Sections 307, 427 r/w.34 of the Indian Penal Code.

3. The incident in question has taken place on 18.12.2015 at about 5.15 a.m.. It appears that the statement of the injured Vitthal Phadtare was recorded on 18.12.2015 at 4.00 p.m. in the hospital in the presence of the Medical officer, District-Satara. From the said statement, it appears that the injured has named three co-accused Dhanaji Jagtap, Ramesh Jagtap and Shahaji Jagtap. In the said statement, it was also recorded that he was assaulted by the said three persons by wooden logs and by fist and kick blows. The name of the Applicant is not disclosed in the said statement. It appears, that the statement of the injured was again recorded subsequently, and in the said statement, which was treated as an FIR, the name of the Applicant was disclosed alongwith other three co-accused for the first time.

4. Learned counsel for the Applicant states that as the Applicant was not present at the time

of the alleged incident, his name was not disclosed before the Medical officer, District-Satara at 4.00 p.m..He submits that the Applicant's name was subsequently inserted and it is alleged in the subsequent statement that the Applicant instigated the co-accused to assault the injured.

5. Learned APP opposes the Bail Application. He submits that Injury Certificate shows that the injured has received serious injuries.

6. Perused the papers, in particular, the statement of the injured which was recorded before the Medical officer, District-Satara. The said statement does not disclose, either, the presence of the Applicant nor any role is alleged to have been played by the Applicant in the said incident. It is only subsequently, in the statement recorded by the police, which was treated as an FIR, that the Applicant's name has been disclosed. In the

said statement, it is stated that the Applicant instigated the other co-accused.

7. Considering the aforesaid, the Applicant is granted anticipatory bail on the following terms & 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.10,000/- with one or two sureties in the like amount;

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

(iii) The applicant shall inform his 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.

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

9. 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.)