

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 191 OF 2016

Somnath Pandurang Waghchaure ..Applicant

v/s.

The State of Maharashtra. ..Respondent

Mr. Tushar Sonawane for the Applicant
Mrs. G.P.Mulekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 03, 2016.**

P.C.

1. This is an application for bail filed by the applicant apprehending his arrest in Crime No.I-132 of 2015 registered at Wadner Bhairav Police Station, Nashik for offences punishable under Section 143, 147, 148, 307, 324, 325, 323, 504, 506 r/w. 149 of the Indian Penal Code.

2. The allegations against the applicant are that on 26.12.2016 at about 9 a.m. he along with the other members of the unlawful assembly who were armed with deadly weapons inflicted injury on

Dnyaneshwar Jadhav and his family members. The aforesaid crime was registered pursuant to the FIR lodged by Dnyaneshwar Jadhav. Apprehending his arrest, the applicant herein had filed an application for anticipatory bail before the Sessions Court, Niphad. The said application was dismissed by the Addl. Sessions Judge by order dated 18.1.2016. Hence the present application.

3. Mr. Sonawane, the learned Counsel for the applicant has submitted that the FIR does not disclose the name of the applicant. He has further stated that the applicant has not inflicted any injury on the complainant or his family members. He therefore claims that the presence of the applicant is not required for custodial interrogation.

4. The learned APP submits that the applicant is the brother in law of the main accused and that he was a member of the unlawful assembly which had inflicted serious injuries on the plaintiff and his family members. She contends that the applicant is not entitled for bail.

5. I have perused the record and considered the submissions advanced by the learned Counsel for the applicant and the learned APP for the State. The FIR lodged by Dnyaneshwar Jadhav prima

facie indicates that on 26.12.2015 at about 9. p.m. his nephew Prasad was abusing him in filthy words and that when he had questioned Nivrutti, father of said Prasad, said Nivrutti, his brother in law, wife and children came to the spot of the incident and assaulted him with iron rod. The FIR does not prima facie indicated that the applicant herein was armed with weapon or that he had inflicted any injury on the complainant or the family members of the complainant. The nature of the allegations levelled against the applicant, in my considered view do not justify custodial interrogation. The applicant is otherwise permanent resident of Nashik District and has no criminal antecedents.

6. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:

- i) In the event of arrest of the applicant in Crime No.I-132 of 2015 registered at Wadner Bhairav Police Station, Nashik, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned Sessions Judge, Niphad.
- ii) The applicant shall report to the Investigating Officer for four

days from 10 a.m. to 1.p.m. from the date of receipt of this order.

iii) The applicant shall not interfere with the complainant and the witnesses in any manner.

iv) The applicant shall not visit Village Shelu, till filing of the chargesheet.

(ANUJA PRABHUDESSAI, J.)