

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 192 OF 2016

Nivrutti Pandharinath Jadhav & Ors. ..Applicants

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 142, 143, 147, 148, 149, 307, 324, 325, 504, 506 of the Indian Penal Code.

2. The allegations against the applicant are that on 26.12.2016 at about 9 a.m. the applicants 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 applicants 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 applicants has submitted that the applicant no.1 is the brother of the complainant. He has submitted that there is dispute between the applicant and the complainant. He has further submitted that the applicants are not involved in committing any offence and they are falsely implicated as accused because of previous enmity.

4. The learned APP submits that the applicant no.1 is the brother of the complainant and that they were members of the unlawful assembly which had inflicted serious injuries on the plaintiff and his family members. Considering the nature of the allegations levelled against the applicants, they are 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 prima facie reveals that the applicants had inflicted injury on Dnyaneshwar Jadhav and others. The medical records indicate that the complainant had suffered grievous injury on the fore arm. There is no prima facie material to show that the applicants had caused any grievous injury on the vital part of the complainant or his family members. The nature of the injuries suffered by the complainant or his family members do not prima facie indicate that the said injuries were sufficient in the ordinary course of nature to cause death of the complainant or the other witnesses. The nature of the allegations levelled against the applicant, in my considered view do not justify custodial interrogation. The applicants are permanent residents of Nashik District and do not have 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 applicants be released on bail on furnishing bail bond of Rs.25,000/-

(Rupees Twentyfive Thousand Only) each with one solvent surety in the like amount to the satisfaction of the learned Sessions Judge, Niphad.

- ii) The applicants 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 applicants shall not interfere with the complainant and the witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)