

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 267 OF 2016

Nilesh Jeevan Kherale ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Vilas Tapkir for the Applicant
Mrs. G.P.Mulekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 11, 2016.**

P.C.

1. This is an application for anticipatory bail filed by the applicant apprehending his arrest in Crime No.11 of 2016 registered with Sangavi Police Station, Pune for offences punishable under Sections 307, 323, 504 r /w. of the Indian Penal Code, and 37(1), 135 of the Bombay Police Act and 4(25) of the Arms Act.
2. The case of the prosecution in brief is that on 10.1.2016 at about 10 a.m. near the Public Relations Office at Sangavi, Pune, the applicant and others assaulted Shri Gajanan Gajare and attempted to

cause his death. The said crime came to be registered pursuant to the FIR dated 11th January, 2016 lodged by the injured Gajanan Gajare. Apprehending his arrest in the said crime, the applicant had filed application for bail before the Sessions Court at Pune. Said application came to be dismissed by the Addl. Sessions Judge, Pune by order dated 2.2.2016.

3. I have perused the records 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 on 10.1.2016 at about 10 p.m. while the complainant was proceeding from Abhinav Nagar towards New Sangli, he saw some people gathered near the public relations office at Old Sangli. He parked his scooter by the side of the road. He saw the applicant and some others at the spot, and when he asked as to why they had gathered, the applicant abused him and assaulted him by giving slaps. The complainant has alleged that one Pappu Vanavade who is the co-accused had inflicted injuries on him by means of a sickle. The medical certificate prima facie reveals that the complainant had suffered superficial periapical wound over the right lateral aspect of neck.

4. The material on record does not prima facie indicate that the applicant was involved in inflicting any serious injury on the complainant. Considering the nature of allegations leveled against the applicant as well as the nature of the injuries sustained by the complainant, in my considered view this is not a case which would justify custodial interrogation.

5. The applicant is a government employee and is a permanent resident of Sangavi, Pune. There is no possibility of the applicant absconding or thwarting the course of justice. Hence, the application is allowed on the following terms and conditions.

i) In the event of arrest of the applicant in Crime No.11 of 2016 registered with Sangavi Police Station, Pune, 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 JMFC, Pimpri, Pune.

ii) The applicant shall report to the Investigating Officer for 10 days between 10 a.m. to 1.p.m. from the date of receipt of this order, and further as when required by the Investigating Officer for the purpose of investigation and interrogation.

- iii) The applicant shall not interfere with the complainant or any of the witnesses in any manner.
- iv) The applicant shall not leave Pune district till the filing of the chargesheet without seeking prior permission of the JMFC, Pimpri, Pune.

(ANUJA PRABHUDESSAI, J.)