

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.304 OF 2016

Vishal Sahebrao Ozarkar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Abhijeet A Desai, Adv. a/w. Ms. Vrushali L. Maindad, Adv. for the applicant.

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

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 23rd February, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.42 of 2016 registered at Hinjwadi Police Station, Pune for offences punishable under Section 323, 324 & 504 of the IPC and under Section 4(25) of the Arms Act.

2. Heard Mr. Desai, the learned counsel for the applicant and Mrs. Mulekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the counsels for the respective parties. The FIR dated 4th February, 2016 prima facie indicates that on the same date at about 11.30 am while first

informant and his friend had been to Om Sai Hotel belonging to the applicant, there was altercation between him and the applicant and that the applicant had inflicted injuries on the first informant Adinath Godse. Pursuant to the said FIR lodged by Adinath Godse the aforesaid crime came to be registered. I have perused the medical certificate. A perusal of the medical certificate reveals that the applicant had sustained abrasion on the left palm. The material on record does not prima facie indicate that the applicant herein had inflicted any serious injury on the vital part of the body of the complainant or any other person. The records further reveal that there was an incident of assault between the applicant and the complainant in which the applicant himself was injured and Crime No.41 of 2016 has already been registered with Hinjewadi Police Station. Considering the said background as well as the nature of the allegations levelled against the applicant so also the nature of the injury sustained by the first informant, in my considered view, this is not a case for custodial interrogation.

3. In view of 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.42 of 2016 registered at Hinjwadi Police Station, Pune, the applicant shall be released on furnishing bail bonds of Rs.15,000/ (Rupees Fifteen Thousand Only) with one surety in the like amount to the satisfaction of the Addl. Sessions Judge, Pune.
- (ii) The applicant shall report to investigating officer for 4 days from 10 am to 1 pm from the date of receipt of this order.
- (iii) The applicant shall not interfere with the complainant or the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)