

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.338 OF 2016

AVINASH ASHOK INDULKAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri Harshad Sathe, Advocate for the Applicant.

Shri H.J.Dedhia, APP for the Respondent - State.

CORAM : P. N. DESHMUKH, J.

DATE : 7th JUNE 2016.

P.C. :

1 Heard the learned counsel for the parties.

2 The applicant was granted ad-interim protection from
arrest in the present crime by this court. Admittedly, the
application of the co-accused Rajendra Pardeshi, who was initially
granted similar protection, was confirmed by this court on 31st
August 2015.

3 Shri Harshad Sathe, the learned counsel for the applicant, has stated that the applicant though was present on the spot was infact pacifying the quarrel which took place and as such, presence of the applicant on the spot is not disputed. This statement finds substantiated by the intervenor who had intervened in A.B.A. No.1093 of 2015 filed by Rajendra Pardeshi and has stated that the applicant was present since he was pacifying the quarrel. Intervenor Sujit Bhoir is the complainant on the basis of whose complaint, the offence is registered.

4 Having considered the facts as stated above, the observations of this court while considering A.B.A. No.1093 of 2015 that the presence of the applicant was only to intervene in the quarrel and that the injuries are of such a nature that no provisions of Section 307 can be said to be attracted and also on further considering the observations in paragraph 7 of the said order, I am inclined to confirm the interim order of bail as order below.

5 Interim bail is confirmed.

6 The application for anticipatory bail is allowed as per the conditions imposed while granting the interim bail on dated 23rd February 2016, except to the modification that hereinafter applicant shall attend Navpada Police Station, Thane, once in three months, on the first day of such month.

(P. N. DESHMUKH, J.)