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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.456 OF 2016**

1. Bharat Sonaramji Parihar alias Mali
 2. Madan Parmar
- ...Applicants

Versus

The State of Maharashtra

...Respondent

Mr.Aniket Nikam a/w Mr.Ashish Satpute, i/b Mr.Chetan S. Damre, for the Applicants

Mr.Y.M.Nakhawa, A.P.P for the Respondent-State

Mr.Abhijit Kulkarni, for the Complainant.

***CORAM : REVATI MOHITE DERE, J.
DATE : 30th MARCH, 2016***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 127 of 2016 registered with the Chakan Police Station, for the alleged offences punishable under Sections 326, 452 r/w 34 of the Indian Penal Code.

3. The incident in question took place on 10th February, 2016 at around 10.30 a.m. According to the complainant – Kamlesh Sureshkumar Solanki, who is the son of the injured, there was an altercation between his father and applicant no.1 as some money was removed from the cash counter of the shop by the applicant no.1. It is alleged that when the complainant's father confronted the applicant no.1 about the said money, the applicant no.1 assaulted the complainant's father with a wooden stick and bit his finger. It is alleged that on seeing the same, the applicant no.2 came running in the shop and abused and assaulted the complainant's father with fists and kick blows. According to the complainant, he rushed to the spot and separated them, pursuant to which the applicants ran away from the spot.

4. Learned Counsel for the applicants submitted that there was some business dispute between the applicant no.1 and the complainant. He submitted that applicant no.1 had not carried any weapon with him, but is alleged to have picked up a wooden stick from the spot. According to him, even the applicant no.1 had lodged a cross complaint, as against the complainant, and his father, however, the same was registered only as an

NC and not as an FIR.

5. Learned APP has produced the injury certificate of the injured – Suresh Solanki. He submitted that the complainant's father had sustained 2 fractures and that the tip of the right hand middle finger was bitten off by the applicant no.1.

6. Perused the papers, in particular the injury certificate of Suresh Solanki. From the said injury certificate, it is evident that the complainant's father i.e. Suresh Solanki was in the hospital from 10th February to 29th February, 2016. The injury certificate shows that the Right hand middle finger - tip of DP#; left tibial condyle #; and lower end radius #. The finger was amputated. All the said injuries are stated to have been caused by the applicant no.1. The injuries are grievous in nature. As far as applicant no.2 is concerned, he was not present at the spot from the beginning and is alleged to have come later, after the assault and is alleged to have abused and given fist and kick blows to the complainant's father.

7. Considering the role of the applicant no.1 and the nature of

injuries sustained by the complainant's father, which are grievous in nature, the prayer for anticipatory bail, qua the applicant no.1 is rejected. As far as applicant no.2 is concerned, considering his role i.e. he is only alleged to have assaulted the complainant's father with fists and kick blows, the applicant no.2 is granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant no.2 be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount ;
- (ii) The applicant no.2, shall report to the Investigating Officer, on every Saturday, between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet;
- (iii) The applicant no.2, shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

8. The Application is partly allowed in the aforesaid terms and is

accordingly disposed of.

9. It is made clear, that if an application for regular bail is filed by the applicant no.1, the same shall be considered on its own merits, uninfluenced by the observations made in this order. It is also made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.