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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 538 OF 2016**

Kakasaheb Ramrao Satav

...Applicant

Versus

The State of Maharashtra

...Respondent

**WITH
CRIMINAL APPLICATION NO. 254 OF 2016
(FOR INTERVENTION)
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 538 OF 2016**

Shamrao Shivaji Satav

...Intervener/
(Ori. complainant)

IN THE MATTER BETWEEN :

Kakasaheb Ramrao Satav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rajiv Patil, Sr. Counsel i/b Mr. Sandip Patil for the Applicant

Mr. Arfan Sait, A.P.P for the Respondent-State

Mr. Kalpesh Patil for the Intervener in CA/254/2016

HC – 1430 A.L.Bhosale, Lonikand Police Station, Pune.

***CORAM : REVATI MOHITE DERE, J.
DATE : 5th APRIL, 2016***

P.C. :

1. Heard learned Counsel for the applicant, the learned A.P.P for

the State and the learned Counsel for the Intervener.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 59 of 2016 registered with the Lonikand Police Station, Pune, for the alleged offences punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

3. On 12th February, 2016 at 4:00 p.m, there was an altercation between Shivaji Baburao Satav and his cousin Kantaram Kisan Satav with regard to the measurements of the road. It is alleged that when the complainant tried to intervene, co-accused Sanjay Namdev Satav assaulted him with the handle of an axe on his head; Vijay Namdev Satav and Prashant Santosh Satav assaulted with sticks on the back and hand of the complainant and his father; Suresh Kantaram Satav assaulted the father of the complainant with a stick; Sachin Satav assaulted Ganesh Balasaheb Satav with a stick and Kantraram Kisan Satav assaulted Ganesh Satav with an iron rod. It is alleged that the present applicant who was at the spot, abused and threatened to kill the complainant.

4. Learned Counsel for the applicant states that the only allegation *qua* the applicant is that he abused and threatened to kill the complainant.

5. Learned A.P.P does not dispute the fact that the only allegation *qua* the applicant is that he had abused and threatened the complainant. On a query being made, he states that there are no antecedents, *qua* the applicant.

6. Learned Counsel for the intervener has filed an intervention application, in which, he has stated that pursuant to the incident, the father of the applicant has threatened the complainant and his family members pursuant to which, an NC has been lodged. He submitted that even after the anticipatory bail of the accused was rejected, the applicant along with others had issued threats to the complainant and his family asking them to withdraw the complaint. Learned Counsel for the intervener submits that there is a marriage in the family of the complainant on 27th April, 2016 and 4th May, 2016 and the applicant be restrained from entering the village on these two days.

7. Perused the papers. It appears that the allegation qua the applicant is that he has abused and threatened the complainant. He is not alleged to have assaulted any of the injured or the complainant. As far as the NC which is lodged by the complainant and his family members is concerned, the same is as against the father of the applicant and not against the applicant.

8. Considering the role of the applicant and the fact that there are no antecedents, qua the applicant, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the concerned Police Station on every Saturday, between 10.00 a.m. to 11.00 a.m., till the filing of the charge sheet ;

(iii) The applicant shall not enter the jurisdiction of Village - Wagholi, Taluka - Haveli, where the complainant resides, on 27th April, 2016 and 4th May, 2016;

(iv) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

(v) The applicant shall inform his latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate in the conduct of the trial;

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is 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.

11. In view of the disposal of the Anticipatory Bail Application No.538 of 2016, the Intervention Application being Criminal Application No.254 of 2016 does not survive and the same is also disposed of.

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

REVATI MOHITE DERE, J.