

Anand

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

ANTICIPATORY BAIL APPLICATION No.590 OF 2016

Pravin Vitthal Tondse .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.P.G.Chavan, Advocate, for the Applicant
Ms R.M.Gadhvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 31.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks pre-arrest bail in connection with C.R.No.
222 of 2015 registered with the Pandharpur City
Police Station, District – Solapur, for the
alleged offences punishable under Sections 143,
147,148, 149, 307, 323, 504 & 506 of the Indian
Penal Code.

3. The incident in question has taken place on 13.11.2015 at about 4.00 p.m.. It is alleged that the Applicant alongwith other co-accused came to the spot, where the Complainant and his friends were sitting, armed with weapons like koyta, sword, sticks and iron rod. It is alleged that the said persons abused the Complainant and his relatives, questioned them for opposing them in the Municipal Council election, and started assaulting them. The Complainant-Shahu Ramakant Sarvagod and one Sachin Sarvagod were injured in the said incident. The Complainant has made allegations as against 18 persons in the complaint.

4. Learned counsel for the Applicant submitted that with respect to the same incident, there is a cross case filed by the Applicant's side, which was registered vide C.R.No.221 of 2015, as against 18 persons, including the Complainant in the present C.R..

He submitted that the Complainant is alleged to have assaulted Ravindra Sarvagod with an iron rod on his shoulder, however, there is no injury certificate of Ravindra Sarvagod on record. He submitted that Sachin and Shahu have been assaulted by other co-accused and not by the Applicant.

5. Learned APP opposes the Bail Application. He submitted that in the 164 statement of the Complainant-Shahu Sarvagod which was recorded on 14.01.2016 as many as 13 persons were dropped by the Complainant from the present C.R., however, the Applicant's name continues to be there, as one of the assailants.

6. Perused the papers. It appears that charge-sheet has been filed and all the accused have been enlarged on bail, in the aforesaid C.R. as well as in cross FIR. According to the prosecution, the Applicant is alleged to have

assaulted Ravindra Sarvagod with an iron rod on his head/shoulder. However, no Injury Certificate is produced on record to show such an injury. The Applicant's side have also lodged an FIR, as against the Complainant in the present CR and others, alleging similar offences.

7. Considering the aforesaid, the Anticipatory Bail Application is allowed and the Applicant is granted anticipatory bail on the following terms & conditions:

ORDER

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

(ii) The applicant shall report to the investigating officer of the Pandharpur City Police Station, District – Solapur **on every Sunday between 10.00 a.m. and 11.00 a.m.** for a

period of six months;

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

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

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)