

Anand

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

ANTICIPATORY BAIL APPLICATION No.645 OF 2016

1. Vijay Ramrao Satav .Applicants
2. Prashant Santosh Satav
3. Suresh Kantaram Satav
4. Sachin Dnyaneshwar Satav

Vs.

The State of Maharashtra .Respondent

Mr.Rajiv Patil, Senior Counsel i/b.
Mr.S.L.Babar, for the Applicants
Ms R.M.Gadhvi, APP, for the Respondent – State
Mr.Kalpesh Patil, Advocate, for the
Complainant/Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2016

P.C.

. Heard learned Senior Counsel for the Applicants, learned APP for the Respondent – State and the learned counsel for the Complainant/Intervenor.

2. At the outset, learned Senior Counsel for the Applicants does not press this Application qua Applicant No.4 – Sachin

Dnyaneshwar Satav. He submits that the Applicant No.4 will surrender before the appropriate authority on 18.04.2016. The said statement is accepted.

3. By this Application, the Applicant Nos.1 to 3 seek pre-arrest bail in connection with C.R.No.59 of 2016 registered with the Lonikand Police Station, District – Pune(Rural), for the alleged offences punishable under Sections 143, 147, 148, 149, 323, 324, 326, 504 & 506 of the Indian Penal Code.

4. According to the Complainant-Shyamrao Shivaji Satav the alleged incident of assault took place on 12.02.2016 at about 4.00 p.m.. He has alleged that there was an altercation between his father and his cousin Kantaram Kisan Satav with regard to measurement of the road. He has alleged that when he tried to intervene, the co-accused Sanjay Namdeo Satav assaulted him

with the handle of the axe and the Applicant Nos.1 to 3 assaulted the Complainant and his father with sticks on their back and hand.

5. Learned APP has produced the Injury Certificates of the injured Shyamrao Satav i.e. the Complainant, Shivaji Satav (father of the Complainant) and one Ganesh Satav. She submitted that Shivaji had received a grievous injury on his right parietal area. She submitted that all the accused had gone there with the common object of assaulting the Complainant's father.

6. Learned counsel for the Complainant/Intervenor also opposed the Bail Application. He submitted that considering the facts & circumstances of this case, Section 149 would fairly apply and as such, the Applicants' Application may be rejected.

7. Perused the papers, in particular, the Injury Certificates of Shivaji, Shyamrao and Ganesh. It appears that Shivaji has received three injuries, out of which one injury is grievous in nature. Shyamrao i.e. the Complainant has received one injury i.e. CLW on the right parietal area scalp and is stated to be simple injury, caused by hard and blunt object. Ganesh has received as many as six injuries on various parts of his body and was advised C.T.Scan of the brain. The Applicant Nos.1 to 3 are alleged to have assaulted the Complainant and his father with sticks on their back and hand. The Injury Certificates of Shyamrao and Shivaji do not show any injuries caused to them on their back and hand. No doubt section 149 would apply but that is a matter of evidence.

8. Considering the role of Applicant Nos. 1 to 3 and the Injury Certificates, Applicant

Nos.1 to 3 are granted Anticipatory Bail on the following terms & conditions:

ORDER

(i) In the event of the arrest, the applicant Nos.1 to 3 be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;

(ii) The applicant Nos.1 to 3 shall report to the investigating officer of the Lonikand Police Station, District – Pune(Rural) on **every Saturday** between **10.00 a.m. and 11.00 a.m.** till the filing of the charge-sheet;

(iii) The Applicant No.1 shall not enter village – Wagholi, where the Complainant resides on 27th April & 4th May, 2016;

(iv) The applicant Nos.1 to 3 shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(v) The applicant Nos.1 to 3 shall inform their 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.

9. The Application is partly 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)