

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 660 OF 2016**

(i) Dattatraya Laxman Kayagude	
(ii) Chakradhar Laxman Kayagude	
(iii) Rashika Chakradhar Kayagude	
(iv) Tai Kisan Kayagude	
(v) Giridhar Kisan Kayagude	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. V. V. Mohite for the Applicants

None for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
THURSDAY, 28th APRIL, 2016***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 27 of 2016, registered with the Walchandnagar Police Station, Pune, for the alleged offences punishable under Sections 354, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, and

under Sections 3(1)(10) and 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ('SCST Act') and under Section 7(1)(d) of the Protection of Civil Rights Act.

3. Learned Counsel for the applicants submits that in the incident which took place on 21st February, 2016 at about 11:30 a.m., the allegations are essentially as against Kisan Laxman Kayagude, who has been arrested. He submitted that it is Kisan Laxman Kayagude, who is alleged to have outraged the modesty of the complainant uttered certain words which constitute an offence under the SCST Act. He submitted that as far as the present applicants are concerned, except applicant no.2 i.e. Chakradhar Laxman Kayagude, the said applicants are alleged to have assaulted the injured with fist and kick blows. He submitted that as far as applicant no.2 – Chakradhar is concerned, he is alleged to have assaulted Mangal Appa Kanase with a stick and that there is one antecedent of 2013 registered as against him, which is of a similar nature.

4. Despite several A.P.Ps in the Court, none appears for the State. Learned APP, on the last occasion, had tendered a copy of the injury

certificate of the injured – Mangal, who is alleged to have been assaulted by Chakradhar (applicant No.2) with a stick. Her injury certificate shows that she has not received any physical injury. As far as other injuries which are alleged to have been caused due to fist and kick blows, the said injuries are simple in nature and are either swelling or abrasion. For want of assistance, the application is allowed.

5. The applicants are granted anticipatory bail, on the following terms and conditions :-

ORDER

- i) In the event of arrest, the applicants be enlarged on bail on furnishing P.R.Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;
- ii) The applicants shall report to the Investigating Officer of the concerned Police Station, as and when called;
- (iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

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

7. 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.

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

REVATI MOHITE DERE, J.