

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 796 OF 2016**

Sachin Dnyaneshwar Satav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Pandit Kasar for the Applicant

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

Mr. Kalpesh Patil for the Original Complainant

PSI Mr. S. L. Khose from Lonichand Police Station, Pune Rural, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th MAY, 2016

P.C. :

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

2. This is the second anticipatory bail application preferred by the applicant. The first anticipatory bail application being ABA No. 645 of 2016 was not pressed *qua* this applicant. It appears that thereafter, the applicant approached the Supreme Court by way of an SLP, disclosing therein, that the statement made by the Counsel for the applicant was not

on instructions and hence, pursuant to the liberty granted by the Apex Court, the present application has been filed.

3. Learned Counsel for the applicant submits that the applicant is entitled to be enlarged on bail on the ground of parity, inasmuch as, similarly placed co-accused have been granted anticipatory bail. He submitted that the injury certificate shows that the nature of injuries sustained by the complainant and Ganesh Satav are simple in nature.

4. Learned A.P.P opposed the bail application. He submitted that the applicant has assaulted the complainant and Ganesh Satav with a stick and that Ganesh Satav had received as many as 6 injuries on his person. He submitted that there is one NC which is registered as against applicant for an alleged offence punishable under Section 323 of the Indian Penal Code. Learned Counsel for the intervener supported the learned A.P.P.

5. Perused the papers, in particular, the statements of the injured Shivaji Satav, Shamrao Satav and Ganesh kapSatav. The applicant is alleged to have assaulted Shivaji Satav and Ganesh Satav with a stick. As

far as Shivaji Satav (injured) is concerned, he is also alleged to have been assaulted by co-accused Kantaram Satav with an axe, co-accused Vijay Satav and co-accused Prashant Satav with a stick. As far as Ganesh Satav (injured) is concerned, he has alleged that the present applicant assaulted him with a stick and Kantaram Satav assaulted him with an iron rod. The injury certificate shows that Shivaji Satav had received 3 simple and one grievous injury, which is stated to have been caused by an axe. Ganesh Satav's injury certificate shows that he has sustained 6 simple injuries; 5 contusions and 1 abrasion.

6. Considering the nature of injuries, the applicant is also entitled to anticipatory bail on the ground of parity with Vijay Satav and Prashant Satav. Accordingly, the application is allowed and the applicant is granted anticipatory 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.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 9th, 10th and 11th May, 2016 from 10:00 a.m. to 12:00 noon and thereafter as and when called till the filing of the charge-sheet;

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

(iv) The applicant shall inform his latest place of residence and mobile contact number within one week of his release to the Investigating Officer of the concerned Police Station.

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

8. 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.

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

REVATI MOHITE DERE, J.