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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.878 OF 2016

Ratan Balasaheb Kadam and Ors.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.
Mr.S.H.Nimbalkar for the applicants.	
Mrs.R.M.Gadhavi, APP for respondent-State.	

CORAM : AM.BADAR, J.

DATED : 6TH JUNE, 2016

P.C. :-

1. Applicants / accused in Crime No.131/2016 for offences punishable under sections 143, 147, 148, 149, 323, 324, 504 and 506 of the Indian Penal Code, 1860 registered with Shirur Police station, Pune by this application are praying for pre-arrest bail.
2. Heard learned counsel appearing for the applicants and perused the F.I.R. as well as the relevant documents.
3. Learned counsel for the applicants / accused has

stated that in the F.I.R. the informant has not stated that applicants / accused are instrumental in causing grievous hurts to the injured. He further argued that the role attributed to the present applicants / accused is assault by means of fist and kick blows.

4. Learned APP pointed out the injury certificates of the victims of the alleged offence. However, the F.I.R. shows that the present applicants had only assaulted the informant Sangeeta by fist and kick blows. No overt act of causing grievous hurt was attributed to the present applicant. Hence at the most, it can be said that the present applicants have caused hurt to the informant Sangeeta. Moreover, the incident in question had happened when the applicants / accused were filling the trenches caused by pipeline. As such, it cannot be said that applicants / accused had harboured common object of causing grievous hurt to the victim. Therefore, considering the nature of offence and overt act attributed to applicants / accused, I am of the opinion that their custodial interrogation is not required. Hence the order.

- (i) Applicants / accused in Crime No.131/2016 for the offences punishable for offences punishable under sections 143, 147, 148, 149, 323, 324, 504 and 506 of the Indian Penal Code, 1860 registered with Shirur Police station, Pune in the event of their arrest be released on bail on executing P.R. Bond in the sum of Rs.10,000/- each with one or more sureties in the like amount;
- (ii) Applicants / accused shall not directly or indirectly make any promise, inducement, threat or interact with other person acquainted with the facts of accusations against them so as to dissuade them from disclosing such facts either to the Investigating Officer or the concerned Court and that they shall not tamper with the evidence;
- (iii) Applicants / accused shall inform his latest place of residence and cell number after his release and continue to inform the change in residence or cell number, if any, from time to time to the Investigating Officer of the concerned police station till filing the charge-sheet in the concerned Court;

- (iv) Applicants / accused shall co-operate for expeditious disposal of the trial;
- (v) Applicants / accused shall not commit an offence similar to the offence of which they are accused or suspected of the commission;
- (vi) The application is disposed of accordingly.

(A.M.BADAR, J.)