

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

CRI. BAIL APPLICATION NO. 1055 OF 2016

Abhijit @ Sonu Dattatray @ Dattaram Zure ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Viresh V. Purwant, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the State.

CORAM : A. M. BADAR, J.

DATE : 21st JUNE, 2016

P.C. :

1 The Applicant/accused in Crime No. 92 of 2016 for the offences punishable under sections 307, 324, 323, 143, 147, 148, 149, 336 of the Indian Penal Code and under section 37(1)(3) of the Maharashtra Police Act, registered with Roha Police Station Tal.Roha, at the instance of Vikas Harishchandra Bhaitandel, by this application is praying for releasing on bail.

2 Heard the learned counsel appearing for the Applicant/accused as well as the learned APP for the State. The learned counsel for the applicant argued that in FIR the role attributed to the applicant is that of assaulting the wife of informant and brother of the informant. The wife of the

informant is not shown as injured in the remand report, whereas no serious injury was suffered by the brother of the informant. Learned counsel for the applicant further argued that the applicant himself has filed a cross FIR and that both the parties are arrayed as accused in both FIRs.

3 Learned APP by pointing out injury certificate of Bhau Harischandra Bhaitandel, stated that the injury suffered is simple injury and, therefore, there is no hurdle in granting bail to the present applicant.

4 Perused the FIRs in the crime no. 92 of 2016 as well as in crime no.93 of 2016 registered at Roha Police Station. Informant Vikas Bhaitandel has alleged in his FIR that he was pasting posters of one Pandit Patil, MLA, for his birthday wishes and at that time, the applicant and his associates deliberately attempted to drove their four-wheeler vehicle on his person. The informant alleged that by stopping the vehicle, main accused Dattatray Zure as well as his associates including the present applicant assaulted the informant as well as his family members and the neighbours.

5 As against this, the FIR lodged by the present applicant is registered as crime no. 93 of 2016. It shows that by intercepting their car-Vikas H. Bhaitandel as well as his associates assaulted them. Role attributed to the present

applicant is that of assaulting the wife of the informant - Vikas H. Bhaitandel by pelting stones and assaulting Bhau H. Bhaitandel by means of wooden logs. Injury certificate of Vikas Bhaitandel shows simple injuries suffered over the head region and wife of the informant is not shown as injured person. The FIR shows that Dattatray Zure and his family members were traveling in the car.

6 Considering the nature of the offence against the present applicant, his pre-trial detention is not warranted and hence, the following order :-

ORDER

- i. This application is allowed.
- ii. The Applicant/accused in Crime No. 92 of 2016 for the offences punishable under sections 307, 324, 323, 143, 147, 148, 149, 336 of the Indian Penal Code and under section 37(1)(3) of the Maharashtra Police Act, registered with Roha Police Station, Tal. Roha, be released on bail on his executing a P.R. Bond in the sum of Rs. 5,000/- with furnishing solvent surety in the like amount.
- iii. In addition, Applicant/accused is directed that he shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that the applicant shall not tamper with the prosecution evidence in any manner.

- iv. The Applicant should not commit the offence of similar nature in future.
- v. The applicant should co-operate for expeditious disposal of the trial, in the event of filing of the charge-sheet.

(A. M. BADAR, J.)

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