

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1090 OF 2016

Anup Mohan Patil .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.V.V.Purwant, Advocate, for the Applicant
Mr.H.J.Dediya, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.06.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks pre-arrest bail in connection with C.R.No.
I-77 of 2016 registered with the Shil Diaghar
Police Station, Palghar, for the alleged
offences punishable under Sections 452, 143,
147, 148, 149, 354, 324, 323, 505, 506-II, 427
of the Indian Penal Code and under Sections 7,
8, 12 & 17 of the Protection of Children from

Sexual Offences Act.

3. Learned counsel for the Applicant submits that the aforesaid complaint lodged by Babaji Shivram Patil, was a counter blast to the complaint lodged by the Applicant's uncle Machindra Baliram Patil on 24.03.2016. He submitted that his uncle's complaint was prior in time, to the aforesaid complaint/FIR. Learned counsel for the Applicant submitted that the Applicant's uncle-Machindra Patil and the Complainant are cousins, however, the relations between the two were strained. He submitted that the Complainant in the aforesaid C.R. called the Applicant's uncle Machindra Baliram Patil to his house on 23.03.2016, pursuant to which Machindra Patil went to his house at about 11.45 p.m.. He submitted that when the aforesaid Complainant and Machindra Patil were having drinks, an altercation that took place between Babaji Patil and Machindra Patil, as a result of which the

Complainant and other members of his family assaulted Machindra Patil (Applicant's uncle) with wooden logs and also caused damaged to his car i.e. Maruti Celerio car. He submitted that pursuant to the said incident, the Applicant's uncle Machindra Patil lodged a complaint, with the Shil Diaghar Police Station, Palghar as against the Complainant-Babaji Patil herein and others, alleging offences punishable under Sections 143, 147, 148, 149, 323, 324, 427 & 504 of the Indian Penal Code. Learned counsel for the Applicant submitted that as a counter blast to the said complaint, the aforesaid complaint/C.R., being C.R.No.77/2016 was lodged as against Applicant's uncle-Machindra Patil and other family members, including the Applicant. He submitted that although, in the said complaint lodged by Babaji Patil, it is alleged that Machindra Patil came to his house on 23.03.2016 at about 11.45 p.m. with Bhanudas Patil, Shatrughna Patil, Bharat Patil, Anup

Patil (Applicant) & Bholenath Patil and other 4-5 persons and assaulted them with wooden logs and iron pipes, none have received injuries. He submitted that the allegations of 354 made by the Complainant are on the face of it false and an after thought.

4. Learned APP has produced the Injury Certificate of Babaji Shivram Patil. It appears that the Complainant has not sustained any injuries. Although, it is alleged that the Applicant and others, assaulted Babaji Patil and others, with wooden logs and iron pipes, no Injury Certificate has been produced to show, that anybody sustained injuries.

5. Considering the material on record, the Applicant is granted pre-arrest bail on the following terms & 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.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Shil Diaghar Police Station, Palghar;

(iii) The applicant 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.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)