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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1142 OF 2016

Kiran Subhash Patil and Anr.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

Mr. Aniket U.Nikam for applicants.

Mr.S.S. Pednekar, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 27TH JULY, 2016

P.C. :-

1. Applicants / accused in Crime No.1-128/2016 for the offences punishable under section 326, 323, 324, 504, 506 read with 34 of the Indian Penal Code registered with Malegaon Taluka Police Station, District Nashik by this application are seeking pre-arrest bail.

2. Heard the learned counsel for applicants as well as the learned APP. The learned APP opposed the applications by submitting that applicant No.1 is having criminal antecedents.

3. Perused the F.I.R. lodged by the informant / injured. He reported that on 8th June, 2016 by means of JCB machine mud in the Canal came to be removed and that was being transported to the field of Sahebrao Devre. At that time, the applicant accompanied by a person named Mayur came and started taking away the JCB machine. On being questioned, both applicants assaulted him. It is averred that the informant was assaulted by means of a waist belt by applicant No.1 Kiran Patil.

4. Perused the injury certificate issued by the Civil Hospital, Malegaon. The informant / injured had sustained four injuries in the nature of blunt trauma. Prima facie, it does not appear that the injured had suffered grievous hurt as envisaged in section 302 of the Indian Penal Code. Rest of the sections pressed into service against the present applicant are bailable in nature. In the light of these facts, the alleged criminal antecedents becomes inconsequential. Therefore, the order :-

(i) The application is allowed ;

- (ii) In the event of arrest, the applicant / accused in Crime No.1-128/2016 for the offences punishable under section 326, 323, 324, 504, 506 read with 34 of the Indian Penal Code registered with Malegaon Police Station, District Nashik be released on bail on his executing P.R. bond in the sum of Rs.5,000/- with one surety in the like amount;
- (iii) As a condition of this order, the applicant / accused shall attend Malegaon Taluka Police Station, District Nasik on 7th August, 20165 between 11.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Officer;
- (iv) The applicant / accused 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 him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (v) The applicant / 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 and on filing the charge-sheet to the concerned Court;

- (vi) The applicant / accused shall co-operate for expeditious disposal of the trial;
- (vii) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;
- (viii) The application is disposed of accordingly.

(A.M.BADAR, J.)