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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1246 OF 2016

Pravin Dattatray Rawal	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Kedar J. Patil, for the Applicant.
Mr. Deepak Thakare, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 2nd AUGUST, 2016.

P.C. :

1. The applicant/accused, in crime No.93 of 2016, registered with Shahapur Police Station, Ichalkarani, District: Kolhapur, for the offences punishable under Sections 323, 326, 147, 148, 149, 504 of the Indian Penal Code, by this application is seeking pre-arrest bail.
2. Heard the learned counsel for the applicant as well as the learned APP.
3. The learned APP opposed the application by pointing out that the present applicant was enlarged on bail in similar type of offence with the condition that the applicant should not repeat commission of offence of similar nature in future.

4. Perused the F.I.R., lodged by Sanjay Choudhary. He averred that on 12.6.2016, at about 1.30 p.m, the present applicant and his associates came on three motorcycles. At that time the applicant was armed with sword. According to informant Sanjay, the present applicant assaulted him by means handle of the sword and co-accused pelted stone on him.

5. Perusal of the injury certificate of informant Sanjay shows that he had suffered contused lacerated wound over his upper rib. Doctor opined that same is caused by hard and blunt object. Its nature is stated to be simple.

6. Prima facie, from the record of investigation, it does not appear that the informant has suffered grievous hurt as defined under Section 320 of the Indian Penal Code.

7. Considering the fact that the injury suffered by the informant is simple in nature and rest of the offences are stated to be bailable, liberty of the applicant needs to be protected.

8. The prosecution may move for cancellation of bail of the applicant granted in the other crime as argued by the learned Prosecutor. However, in the incident as referred does not prima facie reflect commission of offence under Section 326 of the Indian Penal Code. In view of this, the custodial interrogation of the present application is not

warranted and therefore, the following order.

Order

- I) The application is allowed.
- II) In the event of arrest of the applicant, in above crime, he be released on bail on his executing P.R. Bond in the sum of Rs.30,000/- and on his furnishing surety in the like amount.
- III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) The applicant shall attend the concerned police station on every Saturday and Sunday, in between 11.00 a.m. to 1.00 p.m., till filing of the chargesheet and shall co-operate the Investigating officer.
- V) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]