

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

ANTICIPATORY BAIL APPLICATION NO. 1602 OF 2015

Kalidas Rajaram Ghadge .. Applicant

v/s.

The State of Maharashtra ..Respondent

Mr. Dilip Bodake for the applicant

Mrs. Veera Shinde, APP for the respondent State.

Mr. G.S.Lanjare, Head Constable, Kundal Police Station, District Sangli, is present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 11th JANUARY, 2016.

P.C.

1. The applicant herein has filed the application for anticipatory bail apprehending his arrest in C.R.No. 15 of 2015 registered with Kundal Police Station for the offence punishable under Section 307, 342, 337, 324, 143, 147, 148, 149 of IPC and under Section 4 and 25 of the Arms Act.

2. The case of the prosecution in brief is that, the applicant was one of the members of an unlawful assembly which was armed with deadly weapons and that they had assaulted one Pandurang

Gjadge, Deepak Ghadge and others and had thereby attempted to cause their death.

3. Mr. Bodake, the learned Counsel for the applicant has submitted that there is no prima facie material to show tht the applicant was involved in committing the offence as alleged. He has further submitted that the alelgations levelled against the applicant do not attract the provisions of Section 307 of IPC and he therefore claims tht the applicant is entitled for bail.

4. The learned APP submitted that the injured had sustained greivous injuries. He has further submitted tht the FIR prima facie discloses involvement of the applicant in committing the said crime, and as such the applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. A perusal of the records prima facie indicates that Smt. Manju Prakash Shinde had lodged the FIR dated 28.9.2015 alleging that on the same date at about 7.45 am she had been to the house of her uncle Pandurang Ghadge and had told him that she did not

want to reside with Kalidas Ghadge (applicant herein). She has stated that on the same date, the applicant, Rohidas Ghadge and others had come to the place of incident. Rohidas had tried to inflict an injury on the head of Pandurang. Pandurang avoided the blow, but the same struck on the head of Deepak, and he sustained serious injury. She has stated that Gautam Ghadge had inflicted an injury of sword on Pandurang Ghadge and had threatened to cause his death. She has also stated that Rohidas Ghadge, applicant Kalidas Ghadge and others had also pelted stones on Pandurang Ghadge and Deepak Ghadge and caused them serious injuries. Based on the said FIR, the aforesaid crime came to be registered.

6. A perusal of the injury certificate reveals that Deepak Ghadge had sustained fracture to nasal bone. Pandurang Ghadge had suffered two CLW's on frontal occipital region. The medical certificate does not state whether the said injury sustained by Pandurang was simple or grievous in nature. It is pertinent to note that though the FIR was registered in September, 2015, till

date the statements of the injured are not recorded. No satisfactory explanation has been given for not recording the statements of the injured witnesses. Be that as it may, the nature of allegations levelled would not justify custodial interrogation. Even otherwise, the applicant is a permanent residents of Sangli District and there is no possibility of the applicant absconding or thwarting the course of justice.

7. In the above facts and circumstances and in view of the discussion supra, the applicant is granted anticipatory bail on the following terms and conditions

(i) In the event of the applicant arrest in C.R.No. 15 of 2015 registered with Kundal Police Station, Taluka Palus, District Sangli, the applicant shall be released on furnishing bail bonds of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned J.M.F.C, Palus.

(ii) The applicant shall report to the Investigating Officer for

four days from 10 a.m. to 1 p.m. from the date of receipt of the order.

(iii) The the applicant shall not leave Sangli District without prior permission of the JMFC, Palus.

(ANUJA PRABHUDESSAI, J.)