

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

ANTICIPATORY BAIL APPLICATION NO. 1918 OF 2015

Govind Pandurang Khairnar .. Applicant

v/s.

The State of Maharashtra ..Respondent

Mr. Mahendr Sandhyanshiv for the applicant
Mr. D.P.Adsul, APP for the respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 11th JANUARY, 2016.**

PC.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in C.R.No. 30 of 2015 registered with Malegaon Taluka Police Station for the offences punishable under Section 143, 147, 148, 149, 452, 326, 324, 323, 504, 506 of the IPC .

2. The case of the prosecution in brief is that on 26.1.2015 at about 8 p.m. the applicant herein who was one of the members of the unlawful assembly, had inflicted an injury on the head of Sagar @ Ravindra Prakash Khairnar and thereby caused head

injury to him. It is also alleged that the other members of the assembly had assaulted Prakash and his other family members by sticks and blows. The crime was registered pursuant to the FIR lodged by Prakash Khairnar. The applicant herein had filed anticipatory bail application before the Sessions Court, which was dismissed by the Addl. Sessions Judge, Malegaon. Hence the present application.

3. Heard Mr. Sandhyanshiv, learned Counsel for the applicant and the learned APP for the State.

4. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The FIR prima facie indicates that the daughter of one of the accused had eloped with Dhananjay, son of the complainant Mr. Prakash Khairnar. On 26.1.2015, at about 8 p.m. the applicant along with the other co-accused had come to the house of the complainant to find out the whereabouts of Dhananjay. The records reveal that there was an altercation and quarrel between the two groups, in the course of which the applicant herein picked up a stick which

was lying at the place of the incident, and inflicted a blow of the stick on the head of Sagar @ Ravindra Khairnar. The doctor has opined that the injury sustained by Sagar was greivous, by the medical certificate does not indicate that the said injury falls in any of the eight categories of section 320 of IPC.

5. The records prima facie indicate that the applicant and the other co-accused had not come armed with weapon and had come only to find the whereabouts of Dhananjay. The records reveal that the members of both the families were involved in assaulting each other and consequently had filed complaints and cross complaints against each other. The nature of the offence and the allegations levelled against the applicant do not justify custodial interrogation. The applicant is a permanent resident of Nashik. There is no possibility of the applicant absconding and hampering the trial. The applicant does not have criminal antecedents.

6. Considering the above facts and circumstances, in my considered view, the applicant is entitled for bail, hence the

application is allowed on the following terms and conditions:

- (i) In the event of the applicant arrest in C.R.No. I-30 of 2015 registered by the Malegaon Taluka Police Station, Malegaon, District Nashik, for the offence punishable under Sections 143, 147, 148, 149, 452, 326, 324, 323, 504, 506 of IPC, the applicant be released on furnhsing bail bonds of Rs.15000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned J.M.F.C, Malegaon, Nashik.
- (ii) The applicant shall report to the Investigating Officer for 7 days from 10.00 a.m. to 1.00 p.m. and further as and when required by the Investigating Officer for the purpose of interrogation.
- (iii) The applicant shall not tamper with the evidence or influence the complainant or other witnesses in any manner.
- (iv) The applicant shall not leave Malegaon, Nashik District without prior permission of JMFC, Malegaon.

(ANUJA PRABHUDESSAI, J.)