

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

ANTICIPATORY BAIL APPLICATION NO.1919 OF 2015

Pramod Arvind Kharat & Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ravi P. Kadam for the Applicants.

Mr. D.P. Adsule, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 4th FEBRUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicants, in apprehension of their arrest in Crime No.371 of 2015 registered at Baramati Police Station, Pune, for offences punishable under section 143, 147, 148, 149, 323, 324, 325, 326, 504 and 506 of the IPC.

2. The case of the prosecution in brief, is that on 24.10.2015 the Applicants herein alongwith the other co-accused formed an unlawful assembly armed with deadly weapons and that they inflicted injuries on Dnyandeo Pondkule. The said crime was registered pursuant to the FIR lodged by said Dnyandeo Pondkule. In

apprehension of their arrest the Applicants had filed application for anticipatory bail before the Sessions Court, Baramati. Said application came to be dismissed vide order dated 1.12.2015. Hence, the present application.

3. Heard Mr. Ravi Kadam, the learned counsel for the Applicants and Mr. D.P. Adsule, the learned APP for the Respondent -State.

4. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The FIR prima facie reveals that on 24.10.2015 at about 10.00 p.m. his cousin brother- Bharat Tanaji Pondkule had called him on his phone and told him that one Mahesh was abusing him near the Janubai Temple. Accordingly, when the complainant reached the said temple, he had seen the Applicants and other co-accused. He had further stated that the Applicants Pramod and Ganesh had assaulted him with wooden stump and kicks and blows. The medical certificate reveals that the injuries sustained by the complainant and his cousin brother are simple in nature. There is no prima facie material to show that the Applicants were armed with deadly weapons.

5. Considering the facts and circumstances, the Applicants in my considered view are entitled for anticipatory bail. Hence, the application is allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicants in Crime No.371 of 2015 registered at Baramati Police Station, Pune, the Applicants shall be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand only) each with one surety to the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Baramati.
- (ii) The Applicants to report the Investigating Officer for four days from 10.00 a.m. to 1.00 p.m. from the date of receipt of this order.
- (iii) The Applicants shall not interfere with the complainant and the witnesses and shall not tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)