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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1949 OF 2015**

Dattatraya Mahadeo Kadam

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.M.V.Thorat, for the Applicant

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

CORAM : REVATI MOHITE DERE, J.

DATE : 14th MARCH, 2016

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 128 of 2015 registered with the Mohol Police Station, Solapur, for the alleged offences punishable under Sections 323, 327, 354, 143, 147, 148, 149, 120B of the Indian Penal Code
3. Vide order dated 19th January, 2016, this Court was pleased to grant interim protection to the applicant.
4. Learned Counsel for the applicant states that the only

allegation, qua the applicant is that he is alleged to have assaulted Suresh Prakash Gund with a stick. He submitted that on the same day, in an incident which took place at 7.15 pm., the applicant's brother was assaulted, pursuant to which an FIR was registered, as against the present complainant and others, which was registered vide C.R.No.129 of 2015 alleging offences punishable under Sections 324, 327, 341, 147, 148, 149, 504 of the Indian Penal Code. He submitted that as a counter blast to the said incident, the present C.R., has been lodged as against the applicant.

5. Learned APP opposed the application. He submitted that the applicant is involved in two incidents, one which had taken place at 7.30 p.m. and the other at 8.15 p.m. on the same day. He submitted that even in the complaint which was lodged by one Sanjay Bhangе with regard to an incident of 8.15 p.m., the applicant's name is disclosed, and that the offences alleged are under Sections 307, 327, 143, 144, 147, 148, 149 and 135 of Bombay Police Act. Learned APP submitted that the fact that all the accused including the applicant came together armed with weapons, cannot be ignored.

6. Perused the papers. It appears that three incidents had taken place on 8th April, 2015. The first incident took place at 7.15 p.m., in which the applicant's brother was assaulted, pursuant to which C.R.No.129 of 2015 was registered. The second incident is of 7.30 p.m., which is the present C.R. lodged by Yuvraj Gund, as against the present applicant and others. In the present C.R., Rajan Dongre is alleged to have been armed with a revolver ; Nana Dongre with a sword and Appa Kadam with an iron rod. All of them are alleged to have assaulted the complainant. It is alleged that the present applicant along with others assaulted Suresh Gund and Surekha Gund, with a stick and not the complainant.

7. Perused the injury certificates of Suresh Gund and Surekha Gund, who are alleged to have been assaulted by the applicant and others with sticks. Suresh Gund has received six injuries; 5 simple and 1 grievance, which is fracture of the right knee. Surekha Gund has received one blunt injury on her right hand, which is a simple injury. It appears that all the accused were arrested except the present applicant and one another.

8. No doubt, it is true that all the accused came together and were

armed with weapons. However, that is a matter which will be considered by the Trial Court. Considering the fact, that there are cross-cases filed by both the sides and considering the fact, that the only allegation as against the present applicant is that he alongwith others allegedly assaulted Suresh Gund and Surekha Gund, with sticks, that in the facts and circumstances of the present case, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., commencing from April, 2016 for a period of six months ;
- (iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant shall co-operate in the conduct of the trial.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.