

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3167 OF 2017

Sagar Sampatrao Zinde, Age 26 ... **Applicant.**
years, Occ. Labour, R/o. Gajanan
Nagar, Idga Naka, Beed, Tq. &
Dist. Beed.

V E R S U S

The State of Maharashtra. Through **Respondent.**
P.I. Police Station Peth Beed,
District Beed.

Mr. G. K. Salve Advocate for the Applicant
Mr. A. S. Shinde, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.

DATE : 12th July, 2017

ORDER :

1. Heard Mr. Salve, learned counsel appearing
for the applicant and Mr. Shinde, learned APP
appearing for the respondent/state.

2. The present application is filed for grant of
anticipatory bail in connection with Crime No.
111/2017 registered with Peth Beed police station
District Beed for the offences punishable under
section 326, 143, 147, 148, 149, 504, 506 of the

Indian Penal Code.

3. One Akshay Khobragade lodged a complaint with Peth Beed police station alleging that, on 04.04.2017, he and his friend Samsher were going for lunch. At that time, present applicant and other four accused persons came there. At that time, co-accused Akshay Gaikwad assaulted his friend Samsher by means of sword and the present applicant and other accused persons namely Akshay Gaikwad and other 2/3 persons have assaulted the complainant and his friend by means of kick and fist blows.

4. The allegation against the present applicant is of assault by kicks and fist blows, which is vague and general in nature. Even accepting the statement of the informant as it is, no specific role is attributed to the present applicant in reference to the assault. Looking to the nature of the allegations against the present applicant, there is no question of recovery of weapon at the hands of the applicant. I have perused the injury certificate of injured Samsher from which it appears that this witness has sustained abrasion over right thumb and swelling on left forearm

caused by hard and blunt object. The nature of the injuries appear to be simple.

5. Co-accused in the present matter namely Rahul Gaikwad granted pre-arrest bail in Criminal Application No. 2523 of 2017. Therefore, on the ground of parity, the present applicant is also entitled for the protection from his arrest. Because, the allegations against the present applicant are similar as that of against accused Rahul Gaikwad. Hence, pass following order.

O R D E R.

(1) Application is allowed.

(2) In the event of arrest of the applicant in connection with Crime No.111 of 2017, registered with Peth Beed police station District Beed, he be released on bail on his furnishing P.R. bond of Rs. 25,000/- (Rupees twenty thousand only), with one surety in the like amount.

(3) The applicant shall not tamper with the prosecution evidence in any manner.

(4) The applicant shall attend the Peth Beed police station once in a week i.e. on every Sunday between 12 noon to 3 p.m. till filing of the charge-sheet.

(5) Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-