

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 14 OF 2017

Jatingraya @ Bandya Mahadev Madgonde	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Ritesh Thobde, Advocate for the applicant.
Mr. Prashant Jadhav, APP for the State.
Mr. S.S. Waykar, P.S.I., Akkalkot South Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **6th January, 2017.**

P.C.:

This Anticipatory Bail Application is filed by the applicant/accused under section 438 of Cr.P.C., as he is prosecuted for the offences punishable under sections 307, 143, 147, 148, 149, 323, 504, 506 of Indian Penal Code in C.R. No. 88 of 2016 registered with Akkalkot Police Station.

2. The incident of assault has taken place on 21st March, 2016. The complainant, his brother and applicant-accused had verbal altercations on trivial issue and after half an hour, the applicant-accused brought his friends and relatives, who were armed with weapons. The applicant-accused was holding sword. They assaulted the brother of the complainant and the complainant. Hence, FIR was given by the complainant-Santosh Bapurao Umadi.

3. The learned counsel for the applicant-accused has submitted that the

injuries caused to the brother of the complainant and the complainant are of simple nature and he was discharged on the second day. He pointed out that this Court by order dated 23rd November, 2016 in Anticipatory Bail Application No. 1737 of 2016 has granted anticipatory bail to co-accused, who had also attributed the similar role in the assault. The learned counsel prays that the applicant-accused be given protection on parity.

4. Learned APP opposed the Anticipatory Bail Application. Investigating officer is present in the Court. The charge sheet has been filed on 29th June, 2016. On query to the prosecution, it is informed that the applicant/accused does not have any criminal antecedents.

5. This is the first date and as Investigating officer is present and charge sheet is filed, all the papers are before the Court. The injured was discharged on the second day and the injuries sustained appears to be simple in nature. In view of the order of this Court dated 23rd November, 2016, pre-arrest bail is granted to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.50,000/- with one or two

sureties in the like amount;

- (iii) The applicant shall not threaten the witness and shall not pick up any quarrel with the complainant and his brother;
- (iv) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Sessions Court for cancellation of bail.

5. The Application for anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)