

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 54 OF 2017

1. Anil Mhasku Dhawale		
2. Balaso Gulabrao Dhawale		
3. Amol Fakkadrao Dhawale	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 55 OF 2017**

1. Popat Bhagwan Chavan		
2. Manshing @ Malsing Sarjerao Dhavale	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. M.S. Mohite i/b. Mr. Nilesh Wable, Advocate for the applicants in both the matters.

Mrs. N.S. Jain, APP for the State in ABA/54/2017.

Mr. Rajan Salvi, APP for the State in ABA/55/2017.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **11th January, 2017.**

P.C.:

These two applications are moved for pre-arrest bail under section 438 of the Code of Criminal Procedure, as the applicants/accused are apprehending arrest in C.R. No.781 of 2016 registered with Shirur police station, Pune for the offences punishable under sections 307, 323, 324, 326, 504, 506, 143, 147, 148, 149 r/w 34 of the Indian Penal Code.

2. One Bapurao Hanumant Bhosale is the complainant, who is having an agricultural field adjacent to the agricultural land of the family of the

applicant/accused. Both the families have dispute over the boundary of the land. On 26.11.2016, the applicants/accused encroached on the land of the complainant and therefore at about 11am, the complainant alongwith his family members questioned the applicants. At that time, the applicants/accused and the co-accused abused the complainant and his family members and the accused Machindra Dhawale attacked him with a sickle (kaiti) on his hand. Thereafter, the relatives of the complainant intervened. At that time, the co-accused Jalinder assaulted the mother of the complainant with stone. The applicants/accused and the co-accused also assaulted the complainant and his mother with fists and kick blows. Hence, the complainant gave information to the police and the offence was registered at C.R. No.781 of 2016. Hence, this Anticipatory Bail Application.

3. The learned Counsel for the applicants/accused has submitted that the complainant did not sustain any grievous injury. He was discharged from the Sassoon hospital immediately. The assault has taken place after sudden quarrel between the parties. He further submitted that the applicants/accused has no criminal record.

4. Learned Prosecutor has opposed the application and relied on the injury certificates including the Certificate from Sassoon General hospital, Pune. He submitted that the complainant has sustained grievous hurt on

the left scapula.

5. Perused the complaint and the statements of witnesses, so also the injury certificates. One injury (CLW) on scapula is caused due to sharp edged weapon, however, the injury as per the case of the complainant was on the backside of the hand and the place of the injury is shown on the left scapula. It appears that specific role is attributed to co-accused Machindra Dhavale and Jalindar Dhavale. They are taken in custody and released on bail. The applicants-accused were present and it is alleged that they all assaulted the complainant and his mother with fist and kick blows. Considering the facts of the case, the record shows that the complainant was discharged from the hospital within one or two days. Thus, in view of the submissions of the learned counsel for both sides, I am inclined to grant pre-arrest bail to the applicants-accused on the following terms and conditions:

ORDER

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing a P.R. bond in the sum of Rs.30,000/- each with one or two solvent sureties in the like amount;
- ii) The applicants/accused shall not indulge into any kind of offences especially against human body;
- iii) The applicants/accused shall not tamper with the evidence or

pressurize or harass the complainant;

iv) The applicants/accused shall report to the concerned police station on every Saturday between 4pm to 6pm, till filing of the charge-sheet and shall cooperate with the Investigating Officer.

v) In the event of breach of any of the above conditions, the prosecution will be at liberty to move an application for cancellation of pre-arrest bail.

6. The Applications for anticipatory bail stand disposed of on above terms.

(MRIDULA BHATKAR, J.)