

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 152 OF 2017

Ashok Bhikaji Palwe	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Chetan S. Damre, Advocate for the Applicant.
Mr. S.H. Yadav, APP for Respondent/State.
Mr. I.U. Shah, Police Havaladar, Lasalgaon Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **13th February, 2017.**

P.C.:

This Application is moved by the applicant/accused under section 438 of Cr. P.C. The applicant/accused is prosecuted for the offences punishable under sections 143, 147, 149, 307, 324 and 504 of the Indian Penal Code in C.R. No. I-139 of 2016 registered with Lasalgaon Police Station, Nashik.

2. The incident of assault took place on 3rd November, 2016 at Lasalgaon. It is the case of the complainant Bajirao Jaywant Shinde that he was assaulted by Ashok Palwe and Nilesh Palwe. The complainant and his associates cried for help. His family members and other persons arrived there to help them and there was a free fight. Nearly 10 to 15 persons were assaulted. Thereafter the complainant approached the police and gave information, pursuant to which, the offence was registered by the police against the applicant/accused and co-accused.

3. The learned counsel for the applicant/accused has submitted that it is a free and sudden fight. It was not pre-meditated attack and the applicant/accused has also registered separate C.R. No. 138 of 2016 at Lasalgaon police Station against the complainant and his family members. They were prosecuted for the offences punishable under sections 143, 147, 148, 149, 307, 324, 337 and 504 of the Indian Penal Code. He further submitted that the applicant/accused is innocent and he does not have criminal record. The learned counsel submitted that the applicant/accused and his family members also were injured.

4. Learned APP opposed the Anticipatory Bail Application. He has submitted that the persons from both the sides have sustained grievous injuries and it was a free fight. He submitted that complainant Bajirao sustained grievous injury and 9 persons were injured from Shinde Family.

5. Perused the FIR, statements of the witnesses and the injury certificates. It appears that 9 persons were injured from Shinde Family and 17 persons were injured from Palwe family. There is no criminal antecedents against the applicant/accused. It was a sudden and free fight and cross complaint in C.R. No. 138 of 2016 was registered. Under such circumstances, considering the submissions and record, interim pre-arrest bail granted to the applicant/accused by order dated 30th January, 2017 is hereby confirmed with same bail bond with following terms and conditions:

- i) The applicant/accused shall cooperate with the Investigating Officer and attend the concerned police station on every Tuesday between 6 p.m. to 8 p.m. till filing of the charge sheet;
- ii) The applicant/accused shall not tamper with the evidence and shall not pressurize or threaten the complainant and his family members;
- iii) The applicant/accused shall not indulge into any criminal activity especially against the complainant and his family members;
- iv) The applicant/accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof.

6. Anticipatory Bail Application is disposed of on above terms.

(MRIDULA BHATKAR, J.)