

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.181 OF 2017

Rajesh T. Bhoj

... Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr.Aniket Nikam i/b Chetan S. Damre for the Applicant

Mr.Sooraj S. Hulke, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 7, 2017

P.C. :

1. This application is moved by the applicant/accused for pre-arrest bail under section 438 of Criminal Procedure Code as the applicant/accused is prosecuted for the offences punishable under sections 307, 324, 143, 147, 148, 149, 505 and 506 of the Indian Penal Code registered at C.R. No.I-107 of 2016 with Saikheda Police Station, Nasik. One Sudam Bhoj is the complainant. The applicant/accused and the complainant are relatives and they have filed civil suits. They are litigating in the civil Court in respect of ownership and the boundaries of their respective agricultural fields. On 23.12.2016, in the afternoon, when the complainant and the

applicant/accused were working in the field, as per the case of prosecution, the applicant/accused had altercation when he assaulted the complainant with a sickle and other unknown 8 to 10 persons also assaulted the complainant and his son Sujit with sickle. Sujit and his family members were assaulted. Thereafter, they were given treatment as the offence was registered.

2. The learned Counsel for the applicant/accused has submitted that there was a cross complaint given by the present applicant/accused and it is registered at C.R. No.108 of 2016 in respect of some fight wherein the complainant and his son Sujit are accused. It is further submitted that the applicant/accused, as per the case of the prosecution has assaulted with sickle, however, the complainant sustained an injury to his right fore arm. The learned Counsel therefore submits that he be granted pre-arrest bail.

3. The learned Prosecutor relied on the statement of the complainant so also the statements of the witnesses relied on the injury certificates. He submitted that the applicant/accused, the complainant and his son were arrested in the cross case and thereafter, they were released on bail.

4. Perused the FIR, the statements of the witnesses, the injury certificates. The injury certificates disclose that Sudam has sustained one injury i.e., blunt trauma on right fore arm. He has suffered grievous injury i.e., blunt trauma on right fore arm. The left side of the head was sutured, however, it is a simple injury. The injuries sustained by Sujit are also simple. Considering that the applicants/accused are family relatives and having civil litigation pending in the Court, I grant pre-arrest bail on the following terms:

- a) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount;
- b) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on 1st and 15th of every month from 6pm to 8pm, till filing of chargesheet;
- c) The applicant-accused shall not tamper with the evidence or pressurise the complainant;

d) The applicant-accused shall not enter the Chandoli village for a period of six months from today.

e) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his address to the Investigating Officer alongwith documentary proof of his address.

f) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

5. Anticipatory Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)