

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

BAIL APPLICATION NO.369 OF 2017

Subhash Pandit Gojare & anr. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.Aniket Nikam i/b C.S. Damre for the Applicants

Mr.Deepak Thakery, APP, for State

Mr.Sarvar Jafar Shaikh, PSI, Dindori Police Station, Nashik (Rural)
– present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 14, 2017

P.C. :

1. This application is moved for bail as the applicants/accused are prosecuted for the offences punishable under sections 307, 323, 324, 143, 147, 148, 149, 427, 504 and 506 of the Indian Penal Code in C.R. No.289 of 2016 registered with Dindori Police Station, at the instance of one Sahebrao Nivrutti Nigal. The incident of assault took place on 13.12.2016. the applicants/accused were arrested in the present offence on 15.12.2016.

2. The learned Counsel for the applicants/accused submits that there is a cross complaint given by one of the accused Vasant Waman Gojare, which is registered at C.R. No.290 of 2016 with Dindori Police Station. The learned Counsel for the applicants/accused submitted that, as per the FIR, the applicants/accused are not the main perpetrators. There is no grievous injury caused to the injured persons. The applicants/accused have no criminal antecedents and therefore, they be granted pre-arrest bail.

3. Learned Prosecutor while opposing the application, relied on the complaint, the statements of the injured persons. He submitted that the incident was witnessed by many persons. The assault was made by 15 to 16 persons wherein Subhash Nigal and Dnyaneshwar Nigal were injured. Kerosene was poured on the person of Dnyaneshwar Nigal by co-accused Sanket.

4. Perused the FIR, the statements of the witnesses and also the injury certificates of Subhash and Dnyaneshwar. The injuries sustained by them are simple in nature. It appears that kerosene was poured on the person of Dnyaneshwar by the co-accused Snaket, who is not before this Court. There is a cross case which

is registered at the instance of Vasant Waman Gojare, who is the applicant/accused in Bail Application No.369 of 2017, registered at C.R. No.290 of 2016 with Dindori Police Station on the same day i.e., on 15.12.2016 against the complainant and his associates.

5. Thus, considering these facts and *prima facie* evidence before the Court, I hereby confirm grant bail with the following terms and conditions:

- a) The applicants-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty thousand only) with one or two solvent sureties in the like amount;
- b) The applicants-accused shall not tamper with the evidence or pressurise the complainant or the witnesses;
- c) The applicants-accused shall not indulge into any criminal activity and shall attend the concerned police station on every Monday from 6pm to 8pm till filing of chargesheet;
- d) The applicants-accused shall not abscond or leave India without prior permission of the Court and furnish their

permanent address to the Investigating Officer alongwith documentary proof of his address;

e) 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.

6. Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)