

Anand

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

ANTICIPATORY BAIL APPLICATION NO.748 OF 2017

Bhagwat Mahadeo Bagal

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.P. Toshniwal i/b. Mr.A.Satpute, Advocate, for the Applicant
Mrs.Rutuja Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.05.2017

P.C.

. Heard learned counsel for the parties.

2. By this application, the Applicant seeks pre-arrest bail in connection with C.R. No. 97 of 2017 registered with the Kurduwadi Police Station, Solapur Rural, for the alleged offences punishable under Sections 353, 332, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the Applicant states that the incident has taken place on 20th March, 2017 at about 6.00 p.m., pursuant to which a complaint was lodged by Shrikant Ashok Satpute, Police Head Constable, Kurduwadi Police Station. He

submitted that it is alleged by the complainant that when he confronted the accused and asked them, why they were troubling one Balu Pandharinath Jangire, one Prashant Musale pushed him from the motorcycle and that the applicant verbally abused him. He submitted that the applicant is not the person who pushed the complainant and later assaulted him with an unknown weapon. He submitted that as far as the Applicant is concerned, he is only alleged to have verbally abused the complainant.

4. Learned APP does not dispute the fact that the Applicant is not a person, who assaulted the Complainant. She submits that however, the Applicant has verbally abused the Complainant and that there are statements to that effect.

5. Perused the papers.

6. Considering the fact that the Applicant is not a person who pushed the Complainant and assaulted him and considering the fact that the only allegation qua the Applicant is that he verbally abused the Complainant, the Application is allowed and the Applicant is granted pre-arrest on the following

terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on **15th & 16th May, 2017** from **10.00 a.m. to 11.00 a.m.** till the filing of the charge-sheet and thereafter, as & when called for by the investigating officer;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate with the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)