

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

ANTICIPATORY BAIL APPLICATION NO.380 OF 2017

Bhagwat Baburao Dambre (Patil) & Ors.	... Applicants
Vs.	
State of Maharashtra	... Respondent

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Ms.Vrushali Mairdad a/w. Mr.Abhijit Devkhile i/b. Mr. Abhijeet A. Desai
for the Applicants.
Mr.Rajan Salvi, APP for the Respondent – State.
Mr.S.L.Chavan, Police Naik- Malegaon Taluka Police Station, Nashik
(present)

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CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: MARCH 10, 2017

P.C. :

1. This application is filed by the applicants-accused for pre-arrest bail as the applicants-accused apprehend arrest in C.R. No.I-08 of 2017 registered with Malegaon Police Station, District- Nashik for the offences punishable under sections 326, 323, 504 and 506 read with 34 of the Indian Penal Code. The incident of assault took place on 1st January 2017 at around 2.30 a.m.

2. It is the case of the prosecution that the wife of the complainant and the complainant had a quarrel and thereafter, the complainant's wife called her father, who is applicant-accused no.1,

brother-applicant no.2 and uncle- applicant no. 3. They all arrived at her residence alongwith applicant-accused no.4 and started abusing the complainant. When the complainant came outside the house, the applicants-accused questioned him as to why he assaulted his daughter and the applicant-accused no. 2- brother of the complainant's wife was very angry and he took up iron pipe and started assaulting the complainant. The neighbors came and rescued the complainant and thereafter, he was shifted to the hospital. After 12 days, he had lodged a complaint against the applicants-accused.

3. The learned counsel for the applicants-accused has submitted that it was a sudden quarrel. The incident has taken place out of family disputes. The applicants-accused do not have any intention to assault the complainant and they do not have any criminal antecedents.

4. The learned prosecutor while opposing this application has submitted that the complainant was taking medical treatment and was admitted in the hospital. The learned prosecutor, on instructions, informs that earlier application was rejected by the learned Additional Sessions Judge, Malegaon by order dated 17th February 2017.

5. Perused the F.I.R, medical certificate and the injury certificate. Medical certificate discloses that there is one grievous injury

on his abdomen due to hit by blunt object. F.I.R discloses that a quarrel was sudden. The applicant-accused no. 2 took up iron pipe, which was lying near.

6. On query, the learned prosecutor informs that the applicants-accused do not have any criminal antecedents. This is a first date. Investigating Officer is present. Statements are recorded and the injury certificates are also produced. In view of this, I grant pre-arrest bail to the applicants-accused on the following terms:

ORDER

a) In the event of arrest, the applicants-accused shall be released on bail upon furnishing PR. Bond in a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with one or two solvent sureties in the like amount.

b) The applicants-accused shall cooperate with the Investigating Officer and attend the concerned Police Station as and when called, except the applicant-accused no.2 Lalit Bhagwat Dambre (Patil) shall attend the police station on 12th and 19th March 2017 between 11.00 a.m. to 2.00 p.m.

- c) The applicants-accused shall not harass or pressurise the complainant.
- d) The applicants-accused shall not involve in any offence and especially against human body.
- e) The applicants-accused shall not tamper with the evidence and shall not indulge into any criminal activity;
- f) The applicants-accused shall not abscond or leave India without prior permission of the Court and furnish their permanent addresses to the Investigating Officer alongwith documentary proof of their addresses.
- g) 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.

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

(MRIDULA BHATKAR, J.)