

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 424 OF 2017**

Prakash Shivdas Thite	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A. P. Mundargi, Sr. Counsel i/b Mr. S. A. Tarale for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

Mr. S. P. Rajepandhare for the Complainant

API Mr. S. R. Kulkarni from Pandharpur City Police Station is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 21st APRIL, 2017

P.C.

1. Heard learned Counsel for the applicant.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 35 of 2017 registered with the Pandharpur City Police Station, for the alleged offences punishable under Sections 326, 120B, 506(2), 143, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Mumbai Police Act.

3. Learned Senior Counsel submitted that a false complaint has been lodged by the complainant. He submitted that the complaint is an outcome of a dispute and hostile relations between the applicant's side on one hand and the complainant's side on the other. He submitted that due to the hostile relations, the aforesaid complaint is lodged. According to him, no offence under Section 326 of the IPC, as alleged, is made out, as the complainant has not received any grievous injury.

4. Learned A.P.P has produced the injury certificate of the complainant. It appears that the injuries are simple in nature. The injuries are stated to be blunt trauma on the right abdomen and right shoulder.

5. Perused the FIR and the injury certificate. The injuries are simple in nature. Hence, no offence under Section 326 of the IPC is *prima facie* disclosed *qua* the applicant. Considering the aforesaid, the application is allowed and the applicant is granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. 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 every Monday between 11:00 a.m. to 12:00 noon, till the filing of the charge-sheet;
 - (iii) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.
 - (iv) The applicant to cooperate with the investigating agency;
6. The application is accordingly disposed of.
7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.