

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.455 OF 2017**

Dinkar Vilasrao Dubal

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.U.R. Mankapure for the Applicant

Mr.Prashant Jadhav, APP, for Respondent – State

Mr.J.M. Shaikh, Police Fouzdar, Aasta Police Station, present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 14, 2017

P.C. :

1. This application is filed by the applicant/accused for pre-arrest bail as the applicant/accused apprehends arrest in C.R. No.21 of 2017 registered with Aasta Police Station, District Sangli, for the offences punishable under sections 307, 143, 147, 148, 149 of the Indian Penal Code, under sections 3, 25, 27 of the Arms Act and under section 135 of the Maharashtra Police Act.

2. Though this is the first date, the Investigating Officer is present with all the documents and hence, the application is heard finally.

3. The offence of assault has taken place on 23.2.2017 at around 2 p.m. The application for pre-arrest bail of the

applicant/accused was rejected by the learned Sessions Judge by order dated 8.3.2017. As per the case of the prosecution, on 23.2.2017, after the results of Zilla Parishad elections, the winning party took a rally and the applicant/accused belonged to the other party, who lost the elections and at that time, the applicant/accused and others attacked the persons in the rally. The applicant/accused Dinkar Dubal fired from his revolver and the complainant Aakash received a fire arm injury on the forearm and thereafter, the complainant was shifted to hospital at Islampur. The learned Counsel for the applicant/accused has submitted that there is a cross complaint filed by one Smita Vikramsingh Bhosale at C.R. No.20 of 2017 for offences punishable under sections 143, 147, 148, 149, 452, 336, 427, under sections 3, 25, 27(1) of Arms Act and under sections 37(1)(3) and 135 of the Maharashtra Police Act. He submitted that the applicant/accused was having a licence for the revolver. However, he did not submit the revolver to the police during the election period. He produced the photographs of his house and the vehicle disclosing the broken glasses of the windows and the vehicle. He submitted that the incident has taken place out of political rivalry and the accused persons in the cross case were released on pre-arrest bail. It is also submitted by the

learned Counsel for the applicant/accused that there are no criminal antecedents against the applicant/accused.

4. Learned Prosecutor has opposed the application. He submitted that the co-accused Dubal has assaulted the complainant with fist blows and kicks. The statement of the complainant was recorded in the hospital. He remained in the hospital for 10 days. He further submitted that the house of the applicant/accused Dinkar Dubal was ransacked or damaged by the mob after the incident of fire took place. He submitted that the custody of the applicant/accused is required to find out from the accused as to the details of purchase of cartridges.

5. Perused the FIR and the other documents, the photographs and the injury certificates of the complainant. Considering the role attributed to the applicant/accused and that there are no criminal antecedents, 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.30,000/- 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 every Friday and Saturday from 11 a.m. to 2 p.m., till filing of chargesheet.

c) The applicant/accused shall not harass or pressurise the complainant or the witnesses;

d) The applicant-accused shall not tamper with the evidence and shall not indulge into any criminal activity;

e) The applicant-accused shall not abscond or leave India without prior permission of the trial Court and furnish his permanent 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.

6. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)