

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 475 OF 2017

Kaluram Maruti Pawar

..... Applicant

vs.

The State of Maharashtra

..... Respondent

Mr. A. P. Mundargi, Senior Advocate i/by Sartak S. Diwan for the Applicant.

Mr. Rajan Salvi, APP for the Respondent/State.

PI Mr. Raghunath Sodankar, Chinchwad Police Station, Pune City present.

CORAM: MRS.MRIDULA BHATKAR J.

DATE : March 22, 2017

P. C. :

This Application is moved for pre-arrest bail as the Applicant-accused apprehends arrest for the offences punishable under Sections 307, 324, 323, 504 and 506 read with Section 34 of Indian Penal Code. The offence is registered at the instance of one Sanjay Hiranman Langote on 19.02.2017 at C.R. No.52 of 2017 with Chinchwad Police Station, Pune.

2 It is the case of the prosecution that the complainant

belongs to BJP party and the Applicant-accused and co-accused belong to NCP party. In February, 2017, at the time of Corporation Election, the group of the complainant and group of the Applicant-accused came across each other and after verbal altercations, the Applicant-accused pelted stones at the complainant. At that time, the complainant fell down. The other accused assaulted him with stone on his head and other accused started assaulting him with wooden rod.

3 The complainant sustained head injury. The persons in the vicinity gathered and, therefore, the Applicant-accused and his associates ran away. The complainant was shifted to hospital. He was given treatment and thereafter on the next day, he gave information to the Police and an offence was registered against the Applicant-accused.

4 The learned senior counsel for the Applicant-accused has submitted that it was not premeditated attack. The complainant has picked up a stone which was lying on the road and threw at the complainant. He further submitted that along with the Applicant-

accused, the other associates also assaulted the complainant on his head. The learned senior counsel relied on the injury certificate of the Applicant-accused issued by Dr. Shete and Dr. Deshpande. He pointed out that at the relevant time when was shifted to hospital and Dr. Shete examined him, it was observed that the complainant was injured and the injuries sustained to him were simple.

5 The learned senior counsel further submitted that incident took place out of political rivalry. He submits that immediately after the assault, the members of the political parties of the complainant have attacked the family members and house of the Applicant-accused.

6 The learned Prosecutor opposed the Bail Application. He submitted that the Applicant-accused has cases against him under the Prohibition Act and also of the rioting and he is not to be granted anticipatory bail.

7 Perused the FIR. Perused the Injury certificate. Injury certificate discloses that there is a linear fracture of frontal bone of the

complainant and swelling to the scalp. It appears from the FIR, that the Applicant-accused – Kaluram threw stone on his head and the other co-accused have assaulted him with stone and wooden rod. The incident took place after verbal altercations. It is not premeditated assault. On query in respect of the criminal antecedents, the learned senior counsel submitted that earlier there were three cases of rioting pending against the Applicant-accused. In two cases, he is acquitted and one case of 2017 is pending. As the Application was preferred under Section 438 of Code of Criminal Procedure before the Sessions Judge and Investigating Officer is present, this Application is disposed of finally at the first instance.

8 Considering these facts, the Bail Application is allowed and granted pre-arrest bail. Hence, the following order :

ORDER

(a) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/- 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 between 11 am to 2 pm till filing of the charge-sheet.

(c) The applicant-accused shall not tamper with the evidence or pressurise the complainant.

(d) The applicant-accused shall not indulge into any criminal activity.

(e) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer along with 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.

(MRIDULA BHATKAR, J.)