

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

ANTICIPATORY BAIL APPLICATION NO.508 OF 2017

1. Vijay Umakant Rathod
2. Manoj Kisan Rathod ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.U.R. Agandsurve for the Applicants
Mr.Deepak Thakre, APP, for Respondent – State

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: MARCH 23, 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.113 of 2017 registered with Solapur Taluka Police Station, District Solapur, for the offences punishable under sections 143, 147, 149, 452, 427, 323 of the Indian Penal Code. The complaint was filed by one Madhavi Nagnath Pawar.

2. It is the case of the prosecution that the complainant and the applicants/accused belonged to different parties. One Nirmala Vijay Rathod contested election against one Ashwini Rathod and in that election, Nirmala Rathod was the successful candidate on

23.2.2017. Thereafter, the applicants/accused and Nirmala Rathod and the co-accused started pelting stones on the house of the complainant. The stone hit on the head of one Ramratan Chavan. So, he and one Satish went to the terrace of the applicants/accused and questioned them. At that time, the applicants/accused and the co-accused assaulted them with fists and kick blows. The complainant and her family members intervened and they rescued them. Thereafter, at the instance of the complainant, Madhavi, the offence was registered on the next day i.e., 24.2.2017.

3. The learned Counsel for the applicants/accused has submitted that the injuries suffered in the assault, as per the complaint, were simple. As per the case of the complainant, the applicants/accused and the other accused pelted stones on the house of the complainant. He submitted that the applicants/accused have no criminal antecedents and only section 452 is the non-bailable section otherwise all offences are bailable.

4. Learned Prosecutor has opposed the application and relied on the order passed by the learned Additional Sessions Judge, Solapur.

5. Today is the first date. However, the learned Sessions Judge has rejected the application and the impugned order is before the Court. So also, all the documents are placed before the Court and therefore, the application is heard and disposed of finally at this stage.

6. Perused the FIR and the impugned order. It appears from the FIR that only simple injuries were sustained by the injured persons. It was a sudden attack. Considering the facts of the case and the charges mentioned therein, I allow the application on the following terms:

- a) In the event of arrest, the applicants-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- 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 on every Saturday from 11 a.m. to 1 p.m., till 30.4.2017.
- c) The applicants/accused shall not harass or pressurise the complainant;

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

e) The applicants-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.

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

(MRIDULA BHATKAR, J.)