

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 521 OF 2017

Sawleram Chafa Pingle & Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. Rakesh Bhatkar i/b. Mr. Bhagwan Thorat, Advocate for the Applicant.

Ms. Sharmila S Kaushik, APP for Respondent – State.

Mr. S.B. Bhosale, P.S.I., Ranjangaon, M.I.D.C. Police Station, Pune.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 24th March, 2017.

P.C.:

This Application is moved for anticipatory bail under section 438 of Cr. P.C. The applicant-accused is apprehending arrest in C.R. No. 152 of 2016 registered with Ranjangaon Police Station for the offences punishable under sections 326, 323, 504 r/w. 34 of the Indian Penal Code. The offence is registered at the instance of one Bhairav Shivaji Pingade.

2. The incident of assault has taken place on 1st November, 2016 in the field of the complainant. The applicants/accused and complainant are relatives and they have dispute in respect of boundary of their respective fields. They had verbal altercations and

all the applicants/accused assaulted the complainant. The applicant/accused Sharad Sakharam Kolpe assaulted the complainant on his head and thereafter he was rescued by his relatives. His statement was recorded on the same day and the offence was registered.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused are innocent. They have no criminal antecedents. They shall abide by the terms and conditions if they are given pre-arrest bail.

4. Learned APP opposed the Application. She submitted that all the applicants/accused are armed with weapons like wooden stick and axe.

5. Anticipatory bail application was rejected by the Sessions Court. Though it is the first date, Investigating officer is present and, therefore, this Application is disposed of finally.

6. Perused the FIR and the injury certificate. Injury certificate discloses that the complainant has sustained simple injuries on his head. The applicant/accused have no criminal antecedents. Considering the submissions of the learned counsel, I am inclined to

grant pre-arrest bail is granted to the applicants/accused on the following terms and conditions:

ORDER

- i) 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;
- ii) The applicants/accused shall cooperate with the Investigating Officer and attend the concerned police station on every Monday between 11 a.m. to 1 p.m.
- iii) The applicants-accused shall not tamper with the evidence or pressurize, threaten the complainant;
- iv) The applicants-accused shall not indulge into any criminal activity;
- v) The applicants-accused shall not abscond or leave India without prior permission of the trial Court and furnish their permanent address to the Investigating Officer alongwith documentary proof.

(MRIDULA BHATKAR, J.)