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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.562 OF 2017

1. Shivaji Mahadeo Kolekar
 2. Papat Machindra Kolekar
 3. Birudeo Shivaji Kolekar
- ...Applicants

Versus

The State of Maharashtra

...Respondent

Mr.S.M.Phatak, for the Applicants.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd APRIL, 2017

P.C. :

1. Heard learned counsel for the applicants and learned APP for the Respondent – State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R.No.19 of 2017 registered with the Karkamb Police

Station, Solapur for the alleged offences punishable under Sections 307, 324, 323, 506 r/w 34 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. Learned Counsel for the applicants states that the applicant no.3 - Birudeo Shivaji Kolekar, has also lodged a complaint vide C.R.No.18 of 2017, registered with the Karkamb Police Station, Solapur alleging offences punishable under Sections 307, 324, 323, r/w 34 of the Indian Penal Code and under Section 135 of the Bombay Police Act, as against the complainant – Chandrakant Kolekar and one Somnath Kolekar in the aforesaid C.R.

4. Learned Counsel for the applicants submits that the applicants and the complainant's wife are related and that the dispute is on account of a broken pipeline which the applicants had laid in their land. He submitted that the complainant – Chandrakant Kolekar and Somnath Kolekar broke the said pipeline and started fighting with the applicants and assaulted applicant no.1 with a machet on his head. He submitted that the applicant no.1 as a result of the said injury, was in the ICU for 3 days. He submitted

that the injuries sustained by the complainant – Chandrakant Kolekar and Somnath Kolekar were simple in nature.

5. Learned APP has produced the injury certificate of complainant – Chandrakant Kolekar and Somnath Kolekar

6. Perused the papers. The incident in question has taken place on 18th January, 2017 in the land of the applicants. It appears that applicant no.3 - Birudeo Shivaji Kolekar, has also lodged a complaint vide C.R.No.18 of 2017, registered with the Karkamb Police Station, Solapur alleging offences punishable under Sections 307, 324, 323, r/w 34 of the Indian Penal Code and under Section 135 of the Bombay Police Act. It appears that on the next day the complainant – Chandrakant has lodged the aforesaid complaint vide C.R.No.19 of 2017 registered with the Karkamb Police Station, Solapur for the alleged offences punishable under Sections 307, 324, 323, 506 r/w 34 of the Indian Penal Code and under Section 135 of the Bombay Police Act. The injury certificate of complainant – Chandrakant Kolekar and Somnath Kolekar show that both of them have sustained simple injuries. It also appears that applicant no.1 was

hospitalised and was in the ICU for 3 days.

7. Considering the facts of this case, the nature of injuries sustained by the complainant – Chandrakant Kolekar and Somnath Kolekar and the cross case filed by the applicant no.3 - Birudeo Shivaji Kolekar, the application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall attend the concerned Police Station, every Monday and Thursday, between 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet;
- iii) The Applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

- iv) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case;
 - v) The Applicants shall co-operate in the conduct of the trial.
8. The Application is allowed and disposed of in above terms.
9. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.
10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)