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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.585 OF 2017

Krishndeo Dhondiram Gaikwad	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.U.R.Mankapure, for the Applicant.

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

ASI - V.H.Shelkande, Umadi Police Station, Sangli.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th APRIL, 2017

P.C. :

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.9 of 2017 registered with the Umadi Police Station, Sangli, for the alleged offences punishable under Sections 332,

353, 504, 143, 145, 147, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. Learned Counsel for the applicant submitted that the allegations against the applicant is that he assaulted the complainant, who is a Police Naik with fist and kick blows on his face, chest, stomach and that the other persons also abused and assaulted him.

4. Learned APP has tendered the injury certificate of the complainant. There is nothing in the injury certificate to show that the complainant has either suffered visible injury or any trauma or any swelling on any part of his body.

5. Perused the papers. It appears that the incident took place on 21st February, 2017 at around 11.30 a.m. on the voting day of the Elections of Zilla Parishad. According to the complainant, who is a Police Naik, the supporters of the applicant's group were within 100 meters from the booth and hence he asked them to go beyond 100 meters line. The complainant has alleged that at that time when he was asking the persons to go beyond

100 meters line, the present applicant came there and questioned, why the supporters were being sent beyond 100 meters line and starting abusing the complainant and assaulted him on his face, chest, stomach with fist and kick blows. Thereafter the other supporters are also alleged to have abused and assaulted the complainant, pursuant to which the complainant has lodged the aforesaid FIR. A perusal of the injury certificate of the complainant shows that the complainant had not suffered any injury either visible or any trauma or any swelling on any part of his body, considering the fact that he was assaulted by the applicant and several others. The applicant has no antecedents.

6. Considering the aforesaid, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned police station, every Monday and Wednesday, between 11.00 a.m. to 1.00 p.m., till the filing of the charge-sheet ;

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

(REVATI MOHITE DERE, J.)