

Anand

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

ANTICIPATORY BAIL APPLICATION No.593 OF 2017

Yogesh Bhamare

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.M.A.Amonkar, Advocate, for the Applicant

Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 06.04.2017

P.C.

. Heard learned counsel for the Applicant and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.I-15 of 2017 registered with the Jaikheda Police Station, Nashik, for the alleged offences punishable under Sections 323, 324, 325, 326, 447, 504, 506 r/w. 34 of the Indian Penal Code.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that similarly placed co-accused Gulabrao Bhamare & Siddhant Bhamare have been granted

pre-arrest bail by this Court (CORAM : MRS. MRIDULA BHATKAR, J.). He has relied on the said orders.

4. Perused the papers. The incident in question has taken place on 16.01.2017 at about 5.30 p.m.. It is alleged that Gulabrao Bhamare, his son and Siddhant went to the complainant's farm and picked up a quarrel and assaulted the complainant and his son, Kiran, when he came to rescue his father. According to the prosecution, Gulabrao was holding an iron rod. Gulabrao is alleged to have assaulted the complainant's sons Kiran & Ajit and the complainant's wife-Vijaya with the iron rod. The Applicant is alleged to have assaulted the complainant with iron rod & fist blows. It is not disputed by the learned APP that similarly placed co-accused have been granted pre-arrest bail by this Court. It appears that Vijaya has sustained simple injury, whereas the complainant has sustained grievous injury on the left forearm. As far as Kiran and Ajit are concerned, their Injury Certificates are not placed on record.

5. Considering the aforesaid and the fact that similarly placed co-accused have been granted pre-arrest bail by this Court, Application is allowed and the Applicant is granted

pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event, the applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on **every Monday & Friday** between **05:00 p.m. to 07:00 p.m.** till filing of the charge-sheet;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant to cooperate with the conduct of the trial;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the

observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)