

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.692 OF 2017

Prasad Appasaheb Kolhe

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

Mr.H.M.Inamdar, Advocate, for the Applicant

Mr.Deepak Thakare, APP, for the Respondent No.1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 20.04.2017

P.C.

. Heard learned counsel for the Applicant and the learned APP for the Respondent No.1 – State.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.303 of 2016 registered with the Vairag Police Station, Solapur (Rural), for the alleged offences punishable under Sections 326, 325, 504, 506 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant states that the dispute had taken place on the spur of the moment. He submitted that the Applicant is a student studying Mechanical Engineering.

He submits that the Applicant's practical exams are in progress and that his written examinations are scheduled from 4th to 25th May, 2017.

4. Perused the papers. The incident has taken place on 02.12.2016 at 7.30 p.m.. According to the Complainant, when he questioned the Applicant's father-Appasaheb Kolhe (co-accused) as to why he was plying the bullock cart and other vehicles through his field as his crops were getting destroyed, Appasaheb Kolhe started abusing him. He has stated that just then, the present Applicant came with an iron pipe and assaulted the Complainant on his left hand and left leg. The Complainant has further stated that the Applicant's mother came to the spot and abused him and that Appasaheb Kolhe assaulted him with a stick on his back and legs. According to the Complainant, when his younger brother, Dilip Kolhe and sister-in-law came to the spot to rescue him, the Applicant assaulted his brother with an iron pipe on his head and co-accused Appasaheb Kolhe assaulted with the stick. Learned counsel for the Applicant states that custody of the Applicant is not necessary since the weapons have been recovered at the instance of Appasaheb, who has now been released on bail. No doubt, the injured have suffered injuries, but

it appears that the incident has taken place on the spur of the moment. The Applicant is a young boy, studying in college.

5. Considering the peculiar facts of the case and weapons have been recovered and considering the fact that the Applicant is a student, the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR 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 on **26th to 29th April, 2017** from **5.00 p.m. to 7.00 p.m.**

6. Accordingly, the Application is disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)