

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. OF 2017
ANTICIPATORY BAIL APPLICATION NO.749 OF 2017**

Balchandra Joma Mokal

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.M.A.Ingale, for the Applicant

Mr.Prashant Jadhav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 3rd JULY, 2017

P.C.

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 13 of 2017 registered with the Dadar Sagari Police Station, Raigad, for the alleged offences punishable under Sections 143, 147, 148, 149, 323, 324, 325, 326, 307, 504, 506, of the Indian Penal Code and under Section 37(1)(3) r/w 135 of the Bombay Police Act.

3. Learned Counsel for the applicant states that with respect to the incident dated 12th March, 2017 there are cross complaints filed by both the sides. She submitted that there were 25 persons on either sides. She submitted that the applicant himself had sustained an injury on his hand and head, as a result of which he was in the hospital for almost 10 days.

4. Learned A.P.P does not dispute the fact that the applicant had also sustained an injury in the incident, on his hand and head. He submits that the applicant is alleged to have assaulted one Vilas Maruti Mhatre with an iron rod.

5. Perused the papers. With respect to the incident dated 12th March, 2007, there are cross cases filed by both the sides. There are 25 accused on either side. It is not in dispute that the applicant has also sustained an injury in the said incident, as a result of which, he was hospitalized for almost 10 days. The applicant is alleged to have assaulted Vilas Mhatre with an iron rod. The injury certificate of Vilas Mhatre shows that he had sustained two CLW injuries; one just below occiput and one on left elbow. Both the injuries are stated to be simple injuries.

6. Considering the aforesaid, the custodial interrogation of the applicant is not required. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called till the filing of the supplementary charge-sheet or for a period of three months, whichever is earlier;
- (iii) The applicant shall not attempt to contact or influence the complainant, witnesses or any person concerned with the case;
- (iv) The applicant to cooperate with the conduct of the trial.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.
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.