

nsc.

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

ANTICIPATORY BAIL APPLICATION NO.804 OF 2017

- | | | |
|----|-------------------------------------|---------------|
| 1. | Balu Maruti Pawar | |
| 2. | Kiran alias Mohan Chatrabhuj Telang | ...Applicants |
| | Versus | |
| | The State of Maharashtra | ...Respondent |

Mr.R.S.Kadam, for the Applicants.

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

Police Nayak B.No.6468 – Vijay Pandit Bhusare, Chinchwad Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.
DATE : 12th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 52 of 2017 registered with the Chinchwad Police Station, Pune, for the alleged offences punishable under Sections 307, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants seek pre-arrest bail on the ground of parity. He submitted that similarly placed co-accused - Kaluram Maruti Pawar, has been enlarged on pre-arrest bail by this Court (Coram : Mrs.Mridula Bhatkar, J.) vide order dated 22nd March, 2017, passed in Criminal Anticipatory Bail Application No.475 of 2017. He submitted that infact the applicants have been falsely implicated in the aforesaid case. He submitted that the complainant was drunk and fell accidentally on the stone and injured himself.

4. Learned APP does not dispute the fact that the role of the applicants is similar to that of the co-accused - Kaluram Maruti Pawar, who has been enlarged on pre-arrest bail by this Court (Coram : Mrs.Mridula Bhatkar, J.) vide order dated 22nd March, 2017. He further submits that although the complainant has alleged that Kaluram Pawar and the applicant assaulted him with a stone on his head and Kiran assaulted him with a wooden log, the eye-witnesses do not state the same. He submitted that there are no antecedents, qua the applicants.

5. Perused the papers. According to the complainant, be

belonged to the BJP party whereas, the applicants and the co-accused – Kaluram Pawar belonged to the NCP party. He has alleged that in February, 2017, at the time of the Corporation Election, 2 groups came across each other, pursuant to which, there was verbal altercations. He has alleged that applicant no.1 a/w Kaluram assaulted him with a stone on his head and applicant no.2 assaulted him with a wooden log. It appears from the injury certificate that the complainant has sustained a linear fracture of frontal bone. The incident has taken place, pursuant to the verbal altercations and the same is not a premeditated assault. It is not in dispute that the applicants have no antecedents. Even otherwise, the role of the applicants is similar to that of co-accused - Kaluram Maruti Pawar, who has been granted pre-arrest bail by this Court vide order dated 22nd March, 2017.

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

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on

executing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station on every Monday and Thursday, between 10:00 a.m. to 11:00 a.m, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;

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

(iv) The applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the Investigating Officer of the concerned Police Station, in writing;

(v) The applicants shall co-operate with the Investigating Agency.

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* and are confined to this application.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)