

Anand

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

ANTICIPATORY BAIL APPLICATION NO.829 OF 2017

Raj Mahendra Gosavi

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Nitesh Mohite i/b. Mr.J.D.Mane, Advocate, for the Applicant
Ms Pallavi N. Dabholkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 04.05.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.209 of 2017 registered with the Jodbhavi Peth Police Station, Solapur, for the alleged offences punishable under Sections 143, 147, 149 & 394 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. Learned counsel for the Applicant states that the incident is an outcome of a cross case lodged by the Applicant's side four days prior to the lodging of the present FIR. He submits that the Applicant has been falsely implicated in the said case

and that the present C.R. is a counter-blast to the complaint filed by the Applicant's side. He submits that the Applicant is getting married on 07.05.2017.

4. Learned APP does not dispute the fact that the Applicant's side had lodged a complaint which was registered vide C.R.No.200 of 2017, as against the Complainant and others, for the alleged offences punishable under Sections 143, 147, 148, 149, 324, & 504 of the Indian Penal Code.

5. Perused the papers.

6. The incident in question has taken place on 13.04.2017. In the said incident, the Complainant - Gopal Ashok Kekade is alleged to have been assaulted by the present Applicant and others with fist and kick blows. In the said assault, it is alleged that Sunny Gosavi took Rs.20,000/- from the Complainant's pocket. It appears that the nature of injuries sustained by the Complainant are simple in nature. It is also not in dispute, that with respect to the same incident, the Applicant's side has lodged a complaint as against the Complainant in the present C.R. and others i. e. C.R.No.200 of 2017 alleging offences

punishable under Sections 143, 147, 148, 149, 324 & 504 of the Indian Penal Code on the very day i. e. 13.04.2017. The incident is of 13.04.2017, whereas the complaint in the present case was lodged on 18.04.2017.

7. Considering the aforesaid, the 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 of arrest, the Applicant be released on bail, on executing PR Bond in the sum of rs.15,000/- with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on **15th May, 2017** from **10.00 a.m. to 11.00 a.m.** and thereafter, as & when called for by the investigating officer.

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

9. 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.)