

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 844 OF 2017**

Laxman Maruti Pate	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Aaditya Gore for the Applicant

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

PN Mr. Raju S. Jadhav, from Narayangaon Police Station, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 12th JUNE, 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. 41 of 2017 registered with the Narayangaon Police Station, Pune (Rural), for the alleged offences punishable under Sections 326, 341, 504 and 506 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant is aged 73 years. He states that the applicant is alleged to have assaulted the complainant with a knife. He submitted that taking the prosecution case as it is, no offence under Section 326 of the Indian Penal Code is disclosed and that the offence, if any, would be a lesser offence.

4. Learned A.P.P, does not dispute the fact that the applicant is 73 years of age. He, however, submits that the injury is a serious injury, on the stomach. He submitted that the applicant has attended the concerned police station as directed by this Court. He further submits that the knife has already been recovered from the spot.

5. The applicant is alleged to have assaulted the complainant, aged 45 years. The complainant has sustained an injury on his stomach. *Prima facie*, it is doubtful whether an offence under Section 362 is constituted in the facts of the case. The weapon has been recovered from the spot. Considering the age of the applicant, who is 73 years old of age, and the nature of injuries, 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.25,000/- 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 charge-sheet;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial.

6. The application is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.