

Anand

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

ANTICIPATORY BAIL APPLICATION NO.914 OF 2017

1. Suraj Raju Kusalkar .Applicants
2. Vijay alias Mayur Mohan Jadhav
3. Harshal alias Avinash Suresh Jadhav
4. Pradeep Babu Alkunte
5. Datta Ramchandra Chaugule
6. Mohan Bagivan Jadhav
7. Suraj Kumar Jadhav

Vs.

The State of Maharashtra .Respondents
& anr.

Mr.Abhaykumar Apte, Advocate, for the Applicants
Mr.Prashant Jadhav, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 04.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No. 168 of 2017 registered with the Chaturshrungi Police Station, District – Pune, for the alleged offences punishable under Sections 324, 323,

427, 504, 143, 148, 149, 326 of the Indian Penal Code r/w. Section 37(1), 135 of the Bombay Police Act.

3. Learned counsel for the Applicants states that with respect to the incident dated 29.03.2017, a cross case has also been lodged by the Applicant No.1, as against the present Complainant and others, which is registered vide C.R.No.170 of 2017, with the Chaturshrungi Police Station, District – Pune, for the alleged offences punishable under Sections 324, 323, 427, 504, 143, 148, 149, 326 of the Indian Penal Code r/w. Section 37(1), 135 of the Bombay Police Act. He submits that the Applicant No.1 has also sustained an injury in the said incident.

4. Learned APP has produced the Injury Certificate of the Complainant in the present C.R. The Injury Certificate shows that out of

four injuries, three injuries are simple in nature and that the 4th injury is a fracture of the wrist.

5. Perused the papers. The incident has taken place on 29.03.2017 at about 9.30 p.m. With respect to the said incident, there are cross complaints filed by both the sides. The Applicant No.1 has also lodged an FIR, with the Chaturshrungi Police Station, which is registered vide C.R.No.170 of 2017, alleging the offences punishable under Sections 324, 323, 427, 504, 143, 148, 149, 326 of the Indian Penal Code r/w. Section 37(1), 135 of the Bombay Police Act. A perusal of the Complainant's Injury Certificate shows that he has sustained four injuries i. e. three simple injuries and one fracture of the wrist. Admittedly, the weapons which were alleged to have been used i. e. stump and kitchen instrument were found on the spot. In the peculiar facts of this case,

custody of the Applicants is not required. Accordingly, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.20,000/- 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 between 10.00 a.m. and 11.00 a.m.** till the filing of the charge sheet or for a period of three months whichever is earlier;

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

(iv) The Applicants shall inform their latest place of residence and mobile contact

number immediately 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 Applicants to cooperate with the conduct of the trial.

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

7. 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.)