

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1001 OF 2017

Rajendra Dattatraya Shinde .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.V.B.Shivarkar i/b. Mr.J.D.Khairnar, Advocate,
for the Applicant

Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.58 of 2017 registered with the Ozar Police Station, Niphad, Nashik, for the alleged offences punishable under Sections 307, 504, 506, 120B r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant

states that the Applicant has been falsely implicated in the said case. He submits that infact, co-accused Pandu alias Ravindra Dattatraya Mandlik was assaulted with a sharp weapon and had sustained an injury with a sharp weapon, however, his complaint was not registered by the police. He further submitted that the Complainant has received a simple injury on his head.

4. Learned APP states that the Applicant facilitated the assault on the Complainant by holding him, pursuant to which co-accused Pandu assaulted the Complainant. She does not dispute the fact, that the injury sustained by the Complainant is a simple injury.

5. Perused the papers. Admittedly, co-accused Pandu assaulted the Complainant with a sharp weapon on his head. The Applicant is alleged to have held the Complainant, pursuant

to which he was assaulted by co-accused Pandu.

6. Considering the role ascribed to the Applicant, 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 & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.20,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station **as & when called for** by the investigating officer till the filing of the charge-sheet or for a period of three months whichever is earlier;

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

with the case.

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 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.)