

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1067 OF 2017

Bhausahab Parvatrao Kalbhor .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.S.Patil, Advocate, for the Applicant

Mr.Rajan Salvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.315 of 2017 registered with the Loni Kalbhor 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 Applicant states that there was no intention to assault

the complainant nor any motive has been attributed to the Applicant. He submitted that as the complainant gave filthy abuses to the Applicant, the incident took place. He further submitted that it is the Applicant who took the complainant and Anita to the hospital and paid for their entire medical expenses. According to the learned counsel, no offence under Section 307 of the Indian Penal Code is disclosed in the facts of the present case.

4. Learned APP opposed the application. He submitted that this is a case of road rage and that the Applicant assaulted the complainant with a wooden stump/stick on the complainant's head, as a result of which he sustained a hair line fracture. He submitted that after the Applicant was discharged, the Applicant took away the discharge papers of the complainant. He further submitted that after registration of the complaint, NCs' have been filed as against the

Applicant's son for intimidating and threatening the complainant. Learned APP does not dispute the fact that the Applicant has attended the concerned police station as directed by this Court vide Order dated 27.06.2017.

5. Perused the papers. It appears that it is a case of road rage and the incident has taken place on the spur of the moment. Admittedly, it is the Applicant who took the Complainant and Anita to the hospital and paid for their entire medical expenses. Whether or not an offence punishable under Section 307 is disclosed is a matter which will be decided by the trial Court.

6. In the peculiar facts of this case, 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.50,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & 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;

(iv) The Applicant shall inform his 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 Applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

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.)