

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1090 OF 2017**

Dattatray Maruti Kutwal
Versus

...Applicant

The State of Maharashtra

...Respondent

Mr. A. U. Nikam i/b Mr. Aashish Satpute for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

PSI – Ashish N. Jadhav, from Wadgaon Nimbalkar Police Station, Pune (Rural) is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 11th JULY, 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. 188 of 2017 registered with the Wadgaon Nimbalkar Police Station, Pune, for the alleged offences punishable under Sections 143, 147, 148, 149, 326, 324, 504 of the Indian Penal Code .
3. Learned Counsel for the applicant states that the applicant has been falsely implicated in the aforesaid case. He submitted that even

otherwise the allegation as against the applicant is that he assaulted the injured–Jalinder Kutwal on his wrist with an iron object. He further submitted that there are no antecedents, qua the applicant.

4. Learned APP opposed the application. She has tendered the injury certificate of the injured–Jalinder Kutwal.

5. Perused the papers. It appears that the incident has taken place on 24th May, 2017 at about 6.00 p.m. According to the complainant, when he was standing at the S.T. Bus Stand, Datta Kutwal (applicant), Govind Kutwal, Rajendra Kutwal and other 5 to 6 unknown persons came there. He has alleged that the present applicant and Govind were carrying iron weapons and other persons were carrying wooden logs. He has alleged that the applicant assaulted him on his right hand wrist with an iron weapon and the other accused assaulted him with wooden logs. The injury certificate of the complainant shows that he has suffered 1 abrasion, 1 contusion on his right shoulder, CLW on the occipital region. All the 3 injuries are stated to be simple injuries. The injury certificate also shows that the complainant has suffered 2 fractures i.e. on the right and left leg. The said injuries are

stated to be grievous injuries. The applicant is alleged to have assaulted the complainant on his right wrist. The injury caused is an abrasion on the wrist. It also appears that the allegations of 395 have been made after two days when the supplementary statement of the complainant was recorded.

6. Be that as it may, considering the role of the applicant and the fact that there are no antecedents, qua the applicant, 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 on every Monday and Wednesday from 11:00 a.m. to 12:00 noon;

(iii) The applicant shall not enter the jurisdiction of Wadgaon Nimbalkar Police Station, Pune, except for the purpose of attending

the concerned Police Station on the days and time mentioned in clause (ii) above, till the filing of the charge-sheet;

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

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

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*, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.