

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1450 OF 2017

Satish Shivaji Bhosale & Anr. Vs. The State of Maharashtra

WITH
ANTICIPATORY BAIL APPLICATION NO.1515 OF 2017

Dheeraj Shyamrao Pawar Vs. The State of Maharashtra

WITH
ANTICIPATORY BAIL APPLICATION NO.1516 OF 2017

Amit Mahadev Bhosale Vs. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. K.S. Patil i/b P.S. Hagare for Applicant in ABA 1450/2017
Mr. S.B. Deshmukh for applicant in ABA 1515/2017 and 1516/2017.
Mr. S.H. Yadav APP for State in ABA 1450/2017.
Ms. A.A. Takalkar, APP for ABA No.1515/2017.

CORAM : A.S. GADKARI, J.
DATE : 14th September 2017.

- 1) The applicants are apprehending arrest in CR No.412 of 2017 registered with Baramati City Police Station, Tal.Baramati District- Pune dated 12.7.2017 under Section 143, 147, 149, 307, 324, 323, 363, 506 of the Indian Penal Code.

2) By an Order dated 16th August 2017 and 28th August 2017 in Application Nos.1450 of 2017, and 1515 of 2017, 1516 of 2017 respectively, the applicants are granted interim relief and were directed to attend the Investigating Officer on stipulated dates. The first information report is lodged by Mr. Omkar N. Kadam alleging that on the date of incident, one girl by name Prajkta called him to meet near T.C. College ground. At that time, the named accused person namely Kiran Bhosale and about 10 to 12 unknown persons assaulted the first informant. It is alleged by the first informant that the said assault was by brick on his head and one unknown person assaulted him by kicks and fist blows and tried to murder him by pressing his neck.

3) Heard the learned Counsel for applicants, learned APP and perused the medical certificates dated 11.7.2017, and 12.7.2017 issued by the concerned hospital. It appears that the said certificate issued by the concerned hospital prima facie belies the version of the first informant about compressed neck and therefore it is further prima facie difficult to hold that Section 307 of the Indian Penal Code is attracted to the present crime. Apart from the said fact, the first informant has stated that 10 to 12 unknown persons assaulted him and the said allegations are general in nature. Since the allegations against the applicants are general in nature and no specific overt-act is attributed to them, in my view, the applicants have made out a case for their release on pre-arrest bail.

- 4) In view thereof, interim relief granted by Order dated 16th August 2017 is hereby confirmed.
- 5) Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)