

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1818 OF 2017

Nikhil Hari Bhosale and ors. ...Applicants.
vs.
State of Maharashtra ...Respondent.

Mr. S.B.Deshmukh for the Applicant.
Mr. Vinod Chate, APP. for the State.

CORAM: A.S.GADKARI, J.
DATE : 07th December, 2017.

P.C.

1. By an order dated 12.10.2017 the applicants are granted interim relief.
2. 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.

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 persons 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. Perused the record. It is prosecution case that at the time of commission of the present offence the applicant No.1 was driving white colour I-20 car and transported co-accused in the said car. As far as applicant No.2 is concerned it is alleged that the Applicant No.2 came on a motor cycle at the scene of offence and participated in the alleged assault to the first informant.

4. Prima facie, it appears that the applicants have taken active part to the extent of transporting the co accused in the alleged crime and they were members of the unlawful assembly. It indicates that the alleged vehicles have been seized by the police. In order dated 14.9.2017 passed in ABA No.1450 of 2017 this Court has observed that the version of the first informant about compressed neck by accused thereby attracting section 307 of the I.P.C. is belied by the medical certificates issued by the concerned hospital. It further appears from the record that the allegations against the applicants are general in nature and no specific overt act is attributed to them. In view thereof the applicants can be protected by way of pre arrest bail.

5. Interim relief granted by an order dated 12.10.2017 is hereby confirmed however, condition to attend the

Investigating Officer is waived.

3. Application is allowed in the aforesaid term.

(A.S.GADKARI, J.)