

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2042 OF 2016

1. Bhushan Manohar Patil		
2. Arun Totaram Patil		
3. Totaram Arjun Patil		
4. Valmik Tanaji Patil	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. N.R. Bubna, Advocate for the applicants.

Mr. Vinod Chate, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **16th January, 2017.**

P.C.:

This Application is moved for pre-arrest bail under section 438 of Cr.P.C. The complaint was registered at the instance of Subhash Pundlik Gaikwad for the offences punishable under sections 307, 324, 143, 147, 149, 427, 120B of Indian Penal Code and under sections 37(1)(3) and 135 of Bombay Police Act at C.R. No. 68 of 2016 registered with Killa Police Station, Malegaon, Nashik. On 15th September, 2016 in the evening at around 6 p.m. during the Ganesh festival, when the co-accused along with applicants/accused started assaulting the complainant Subhash Gaikwad, his son Ganesh Gaikwad intervened, so he was beaten up by the co-accused and applicants/accused. Ganesh sustained injuries. He was taken to the hospital for treatment. Thereafter, the information was given to the police against the accused. Hence this Anticipatory Bail Application.

2. The learned counsel for the applicants/accused has submitted that the names of these applicants/accused, i.e., Bhushan, Arun, Totaram and Valmik are not taken by the complainant. No role is attributed to them. Hence, he prays for pre-arrest bail.

3. Learned APP opposed the Anticipatory Bail Application. Though the Investigating officer is not present, the file along with the statements and certificate is produced.

4. Perused the FIR, statements and documents produced before me. It appears that the injured Ganesh Gaikwad has lost his orientation after the attack, however, the certificate is not of Government Hospital but they are given by private hospital. Moreover, there is nothing on record to show that the applicants/accused have played any role in the assault. Hence, I confirm the order of interim pre-arrest bail dated 25th November, 2016 with the same bail bonds. The applicants/accused are directed to attend the concerned police station as and when called.

5. The Application for anticipatory bail is allowed.

(MRIDULA BHATKAR, J.)