

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION No. 2570 of 2016

1. Aniket Ashok Suttar		
2. Banti @ Prasad Bharat Hulawale	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Charanjeet Chanderpal a/w. Ms. Namita Shirke, Mr. G. Raha Rani,
Advocate for the applicants.

Mr. S.H. Yadav, APP for the State.

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

DATE: **20th January, 2017.**

P.C.:

This Application is moved for bail by the applicants/accused, as they are facing charges under sections 307, 326, 143, 147, 148, 149, 452, 504, 506 of Indian Penal Code in C.R. No. 10 of 2016 registered with Lonawala Rural Police Station. One Pramod Vasant Ambekar gave information to the police that co-accused Ganesh Hulawale was having grievance against Rupesh Ambekar, as he was given the job of watchman in one Mizal company. On 19th January, 2016, at around 9 p.m. when complainant Pramod was attending his duty of patrolling along with other watchman, suddenly Ganesh Hulawale, Macchindra Waykar, Atish Hulawale and other 6 to 7 persons arrived there armed with weapons like iron and wooden rods and started assaulting the complainant and his colleagues. When complainant and his colleagues ran in their houses, the accused went there and assaulted the complainant, relatives, friends and other witnesses. Therefore he gave complaint and offence was registered

against the accused persons and present applicants/accused. The applicants/accused were taken in custody on 23rd August, 2016. Hence this Bail Application.

2. The learned counsel for the applicants/accused has submitted that the names of applicants/accused are not mentioned in the FIR. The applicants/accused are the residents of same village. The complainant and other witnesses have filed the affidavit before the Court of Magistrate. Today the complainant is present in the Court. The complainant, other injured persons, applicants/accused and other assailants want to settle the matter amicably.

3. Learned APP submitted that the offence is serious. The applicants/accused are facing charges under sections 307, 326, 143, 147, 148, 149, 452, 504, 506 of Indian Penal Code. The group of people have assaulted the unarmed persons. He further submitted that the assailants and applicants/accused are staying in the same vicinity, so they are likely to commit similar offence.

4. Perused FIR, affidavit filed by the complainant and other documents. On query it is informed by learned APP that the complainant did not sustain any grievous injury. Out of 14 injured persons, Hanumant Ambekar and Pravin Ambekar sustained grievous injury. On query it is informed by learned APP after taking information from the police who is

present in the Court that there are no criminal antecedents against the applicants/accused. The manner in which the offence has taken place, the period undergone by the applicants/accused and considering the role played by the applicants/accused, I am inclined to grant bail to the applicants/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
 - (ii) The applicants/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.40,000/- each with one or two sureties in the like amount;
 - (iii) The applicants shall not pressurize or threaten the complainant and other injured persons.
 - (iv) The applicants shall attend all Court dates.
 - (v) The applicants shall not abscond or leave India without prior permission of the Court and furnish their permanent address to the Investigating Officer alongwith documentary proof of their address;
 - (vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.
5. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)