

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2188 OF 2016

Vinod Bhanudas Pawar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. S.T. Bhosale, Advocate for the applicant.

Mr. Prashant Jadhav, APP for the respondent/State.

Mr. Vikas G. Adsul, P.S.I., Solapur Taluka Police Station, Solapur Rural present.

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 applicant/accused is prosecuted for the offences punishable under sections 143, 147, 148, 149, 336, 323 and 452 of Indian Penal Code in C.R. No. 433 of 2016 registered with Solapur Taluka Police Station, Solapur Rural. The offence is registered at the instance of Dnyaneshwar Sadhu Kakade.

2. It is the case of the prosecution that complainant is a farmer and adjacent to his field, a construction of row house of co-accused Lalsing Pawar was going on. On 6th October, 2016, co-accused came to the field of complainant with tractor of brick pieces for making road approaching to his agricultural land. When the complainant and his family members resisted, co-accused Lalsingh and present applicant/accused Vinod Pawar were adamant and started fighting with them. The applicant/accused, co-

accused Lalsingh and other 10 to 12 accused assaulted the family members of the complainant, due to which the complainant and his family members sustained injuries. Therefore, complaint is lodged against the applicant/accused. Hence, this Anticipatory Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused has no criminal record. Co-accused Lalsingh and one accused were given pre-arrest bail by the learned Sessions Judge. Hence, the learned counsel prays that applicant/accused be granted pre-arrest bail.

4. Learned APP opposed the Anticipatory Bail Application. He submitted that applicant/accused was holding stick and he assaulted Anusaya Jambhale and son of the complainant, who sustained injuries. Therefore, his Anticipatory Bail Application was rejected by the Sessions Court. Investigating officer is present, however, injury certificates are not produced before the Court. On query, learned APP after obtaining instructions, informs the Court that injured persons were discharged from the hospital on the same day. Thus, though the applicant/accused was assailant, from the charge it appears that the injuries sustained are not grievous. In view of the facts, I confirm the order of interim pre-arrest bail dated 9th January, 2017 with the same bail bonds. The applicant/accused is directed to attend the concerned police station on every Wednesday

between 6 to 8 p.m. till the filing of the charge sheet. The applicant/accused shall not enter the land of the complainant and the adjacent land of co-accused Lalsingh.

5. The Application for anticipatory bail is allowed.

(MRIDULA BHATKAR, J.)