

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2158 OF 2017

Mayur Rajaram Wagh		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Aniket U. Nikam for the Applicant.
Mr. Ajay Patil APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 13th December, 2017

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No. 255 of 2017, registered at Paud Police Station, for the offences punishable under Sections 307, 143, 147, 148, 149, 325 and 341 of Indian Penal Code. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 5th August, 2017, Sagar Balasaheb Pawale, who was admitted in Sahyadri Hospital, Kothrud has lodged a report alleging therein that he is proprietor of Ganesh Enterprises, wherein he supplies water. The applicant herein was the partner of the complainant. They were together running water supply business. However, due to financial clashes between the partners, they had decided to separate their business and run the business independently. According to the complainant, on 4th August 2017 at about 9.00 am., his servants had informed him that they were threatened by the present applicant and one Ravindra, Manager of the Company at about 4.00 pm. On 5th August, 2017, when the complainant was proceeding alongwith Pravin Gole and had been to Hotel Rudra in his vehicle, at that time they were apprehended by the present applicant. There was an altercations. It is alleged that the present applicant threatened him of dire consequences and called upon his associates, who assaulted the complainant on his hands and his head. It is alleged that the present applicant was inciting his colleagues to assault the complainant. On the basis of the said

statement, Crime No. 255 of 2017 was registered at Paud Police Station was registered. The investigation is completed and charge-sheet is filed. Perused the injury certificate. It shows that the complainant had sustained fracture of ulna shaft and had sustained simple head injuries. On the basis of the medical certificate, it cannot be said that the applicant herein had committed an offence under Section 307 Indian Penal Code. In any case, the investigation is completed and charge-sheet is filed. Hence, the applicant deserves to be granted pre-arrest bail.

4 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

1 The application is allowed.

2 In the event of arrest in Crime No.255 of 2017, registered at Paud Police Station, the applicant be enlarged on bail on

furnishing PR. bonds in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

3 The applicant shall report to the concerned police station on every Sunday between 10.00 am. to 12.00 noon for a period of six months.

The application is accordingly disposed of.

(*Smt. Sadhana S. Jadhav, J*)