

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

ANTICIPATORY BAIL APPLICATION NO. 806 OF 2018

Vinayak Dnyaneshwar KaduApplicant

V/s.

The State of MaharashtraRespondent

Mr. Piyush Toshniwal a/w. Mr. Aniket Nikam a/w. Mr. Aashish
Satpute for the applicant.

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

Mr. Ananda Mali, PSI, Ghoti Police Station, Nashik Rural, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 31th AUGUST, 2018.

P.C.:

. This is an application for anticipatory bail under section 438 of Criminal Procedure Code, filed by the aforesaid applicant, apprehending his arrest in C.R.No.I-34/2018 registered at Ghoti Police Station, District Nashik for offences punishable under sections 143, 147, 149, 307, 323, 326, 427, 504, 506 of the Indian Penal Code and other provisions of Bombay Police Act.

2. Heard Mr.Piyush Toshniwal, learned counsel for the applicant and Mr. S.H. Yadav, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The afore stated crime was registered pursuant to the first information report dated 26/03/2018 lodged by Raju Ratan Langade. A perusal of the first information report *prima facie* indicates that on 25/03/2018, the present applicant and others had formed an unlawful assembly and that they were armed with deadly weapons. It is alleged that the applicant and other co-accused had assaulted the first informant Raju Langade, Tulshiram, Harichand, Laxman Bhagde, etc. As far as the present applicant is concerned, the first information report indicates that he was armed with a wooden stick and that he had inflicted an injury on Harichand by means of said wooden stick. The statement of Changdev *prima facie* reveals that the applicant had assaulted him with an iron rod.

4. Mr. Piyush Toshniwal, learned counsel for the applicant has placed on record copy of order dated 25/07/2018 passed by this Court, a perusal of which clearly indicates that one Mithun Dubhashe has been granted anticipatory bail. A perusal of the said order reveals that said Mithul Dubhashe had also inflicted injury on Raju Landage by means of a knife and thereby caused grievous injury to him. Considering the above facts and circumstance, in my considered view, the applicant is entitled for anticipatory bail on the ground of parity.

5. Under the above facts and circumstance and in view of discussions supra, anticipatory bail application is allowed on following terms and conditions :-

(a) In the event of arrest of the applicant in C.R.No.I-34/2018, he shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(b) The applicant shall remain present before the Investigation Officer from 05/09/2018 for a period of four days and further as and when required by the Investigation Officer for the purpose of interrogation/investigation.

(c) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer.

(d) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(e) The applicant shall not interfere with the other witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)