

Vidya Amin.

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

ANTICIPATORY BAIL APPLICATION NO. 186 OF 2019

1. Darshan Ramesh Kasar		
2. Chetan Mohan Kasar	...	Applicants
VS.		
The State of Maharashtra	...	Respondent

Mr. Vinay J. Bhopatrao, Advocate for the applicants.
Mr. V.V. Gangurde, APP for the respondent/State.

**CORAM: REVATI MOHITE DERE, J.
DATED: 6th June, 2019**

P.C. :

Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-315 of 2018 registered with the Wada Police Station, Palghar, for the alleged offences punishable under Sections 143, 147, 148, 452, 341, 323, 324, 326, 504, 506 r/w. 34 of the Indian Penal Code.

3. Perused the papers. The incident is alleged to have been taken place on 9th December, 2018 at about 10.30 a.m.. In all, there are about 11 accused. It is alleged that accused nos. 1 to 5 who were armed with iron rods and wooden sticks came where the development work was going on, threatened the J.C.B. operator

and asked him to stop the work. It is alleged by the prosecution that when the complainant questioned them, accused no. 1 assaulted him with iron rod on his head and accused no. 2 assaulted him with an iron rod on his hand. It is alleged that when the complainant's brother rushed to the spot, accused no. 3, who was armed with a wooden stick, assaulted the complainant's brother on his head and that accused no. 4 also assaulted him on his hand.

4. As far as the applicants are concerned, no overt act is attributed to them in the said incident of assault. The applicants are students. Applicant no. 1 is a 3rd year student of Engineering and Applicant no. 2 is a 3rd year student of B.S.C. (Horticulture).

5. Learned APP also does not dispute the fact that no overt act has been attributed to the applicants in the said incident. The applicants have no antecedents.

6. Considering the aforesaid, the Application is allowed and the applicants are granted pre-arrest bail, on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be

enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each, with one or two sureties in the like amount.

- (ii) The applicants shall inform their latest addresses and mobile contact numbers and/or change of residence or mobile details, if any, from time to time, to the trial Court as well as to the concerned Police station, in writing.
- (iii) The applicants shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall cooperate in the conduct of the trial.

7. The Application is accordingly disposed of.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)