

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

ANTICIPATORY BAIL APPLICATION NO. 667 OF 2019

Baburao s/o Chayappa Rampure	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Ujwal R. Agandsurve for the Applicant.
Ms. S.S. Kaushik, A.P.P. for the Respondent – State.
Mr. M.B. Sukhse, Police Head Constable, Valsang Police Station, Solapur, present.

CORAM : P.N. DESHMUKH, J.

DATED : 18th MARCH, 2019.

P.C. :

1 Issue notice, learned A.P.P. waives service of notice for Respondent-State. Investigating Officer is present and has produced the case diary. Learned Counsel for applicant submits that though role attributed to applicant and three other co-accused in the complaint is same, except for applicant who have committed assault by stick on the wrist of complainant, his application is rejected by trial Court only of this ground and has granted anticipatory bail to other co-accused.

2 Perusal of F.I.R. would reveal that on the day of incident, applicant along with co-accused approached complainant, enquired for her husband who on the previous date had assaulted applicant and when she

informed him that he has gone to Solapur, applicant along with co-accused had all extended abuses to her and beat them with kick blows and fist blows when applicant is stated to have assault by stick on the complainant's wrist. No medical report is in the case diary. It is found that complainant is examined on the day of her report on 09.02.2019. No satisfactory explanation is given by Investigating Officer for not collecting the injury certificate. Considering the fact that the role attributed to applicant as well as the other co-accused who were granted anticipatory bail by the learned trial Court is materially similar. Application is liable to be allowed as can be decided finally even pending investigation by imposing suitable conditions as below :

ORDER

(i) In the event of arrest of applicant in C.R. No.61 of 2019 registered with Valsang Police Station, Solapur, for the offences punishable under Sections 327, 324, 323, 504, 506 r/w. 34 of I.P.C. he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount;

(ii) Applicant shall attend Investigating Officer and shall co-operate with the investigation from 28.03.2019 to 01.04.2019 and thereafter as and when called for till filing of charge-sheet.

(iii) Application stands disposed of in above terms.

(P.N. DESHMUKH, J.)