

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1341 OF 2022**

Ananda Mayappa Kurade	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. P.R.Dave for Applicant.
Mr. P.H.Gaikwad, APP, for State.

CORAM: N.J.JAMADAR, J.

DATE : 14th JUNE, 2022

P.C.

1. Heard the learned Advocate for the Applicant and the learned APP for the State.
2. The Applicant who is arraigned in C.R.No.67 of 2022 registered with Juna Rajwada Police Station, Kolhapur, for the offences punishable under Sections 307, 452, 324, 323, 143, 144, 145, 147, 148, 149 of the Indian Penal Code, 1860 read with Section 4/27 of the Arms Act, 1959, has preferred this Application for pre-arrest bail.
3. The Applicant and his 15 associates had allegedly charged to the house of the first informant – Sanjay Ashok Aawale and were looking for the son of the first informant so as to assault him. Altercation and scuffle ensued. The Applicant allegedly assaulted Mrs. Rupali Aawale by means of a pipe. Rest of the accused assaulted the first informant and injured witnesses.

4. By an order dated 13th April, 2022, the Anticipatory Bail Application preferred by the Applicant came to be rejected by the Additional Sessions Judge, Kolhapur.
5. The learned Counsel for the Applicant submitted that, in the intervening period, the charge-sheet has been lodged. Rest of the accused have been released on bail. He further submitted that in respect of the very same incident, the first informant and the injured party have also been prosecuted on the strength of the cross case lodged by Ms. Sujal B. Kamble.
6. On perusal of the allegations in the FIR as well as the statement of the injured Ms. Rupali Vilas Aawale, though it becomes evident that assault by means of pipe is attributed to the Applicant, the injury certificate of Mrs. Rupali Vilas Aawale is not forthcoming.
7. The learned APP, however, relied upon the statement of Mrs. Rupali Vilas Aawale to bolster up the case that the Applicant had indeed assaulted the said witness.
8. Evidently, in respect of the very same incident, cross cases have been lodged. More than 15 accused allegedly assaulted the first informant and the injured witnesses. There is no material in the nature of medical certificate to indicate that the Applicant had assaulted the witness Mrs. Rupali Vilas Aawale. As the investigation is complete for all intent and purpose, at this juncture, the custodial interrogation of the

Applicant, does not seem to be warranted.

9. I am, therefore, persuaded to exercise the discretion in favour of the Applicant. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) In the event of the arrest of the Applicant – Ananda Mayappa Kurade in connection with C.R.No.67 of 2022 registered with Juna Rajwada Police Station, Kolhapur, for the offences punishable under Sections 307, 452, 324, 323, 143, 144, 145, 147, 148, 149 of the Indian Penal Code, 1860 read with Section 4/27 of the Arms Act, 1959, he be released on bail on furnishing a PR bond in the sum of Rs.20,000/- and one or two sureties in the like amount.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the prosecution witnesses.

(vi) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(N.J.JAMADAR, J.)