

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 712 OF 2023

Ramkrishna Amrut Tapkir ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Nitin Gaware Patil, for the Applicant.

Mr. Trupti Khamkar, for Informant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 27, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.30 of 2023 registered with Daund police station, Daund, Pune Rural for the offences punishable under Sections 323, 326, 504, 506 of the Indian Penal Code, 1860 (for short 'IPC') and under Section 4 and 25 of the Arms Act, 1959, the applicant is seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.).

2. The prosecution case is that on 12 January 2023 at 21:27 hours the informant lodged report allegedly that on 11 January, 2023 at 14:00 hours, the applicant assaulted her by means of fist and blows. The applicant thereafter, assaulted her by iron rod on her left hand and left thigh. While she was running from the spot, the applicant assaulted her sword.

3. The applicant, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 14 February, 2023. Aggrieved thereby, the applicant has filed the present anticipatory bail application.

4. On considering material on record and the injuries assaulted of sword, this Court was disinclined to grant relief on pre-arrest bail. However, the informant who is the wife of applicant sought legal assistance and filed an affidavit through appointed Advocate stating that she has no objection to grant relief to the applicant, if the applicant stay away from the informant and his son. Considering the said affidavit, hence, following order:

a) In the event of arrest in connection with C.R. No.30 of 2023 registered with Daund police station, Daund, Pune Rural for the offences punishable under Sections 323, 326, 504, 506 of IPC and under Section 4 and 25 of the Arms Act, 1959, the applicant be released on bail on furnishing P.R. bond of Rs.50,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station on 28th, 30th June, 2023, 3rd and 5th July, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.

c) This Court by order dated 25 April 2023 directed the applicant to pay amount of Rs.25,000/- to the informant. The said amount by way of Demand Draft shall be paid within two weeks from today through the investigating

officer.

d) The applicant shall not directly or indirectly coontant or influence the informant or his son during pendency of trial.

e) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

f) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

g) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

h) In the event of breach any condition, it shall be open for the informant to apply for cancellation order of pre-arrest bail of the applicant.

5. The anticipatory bail application stands disposed of.

(AMIT BORKAR, J.)