

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 314 OF 2015

1	Pratap Shiva Gawade.	
2	Purushottam alias Guru Parshutam Gawade.	
3	Shridhar Rama Gawade.	
4	Babaji Chandrakant Gawade.	... Applicants.
Versus		
	The State of Maharashtra & ors.	... Respondents.

Mr. Vilas B. Tapkir, advocate for Applicants.

Mr. J.H. Ramugade, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : MARCH 10, 2015

P.C.:

1 Heard the learned Counsel for the applicants and the learned APP for State. Perused papers of investigation.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 9 of 2015 registered at Banda Police Station for offence

punishable under Section 392, 324, 336, 323, 504, 506 of the Indian Penal Code.

3 On 14/2/2015 Mahesh Ankush Sawant lodged a report at the police station that on 14/2/2015 when he was returning home at about 8 p.m., present applicants had accosted him, abused him and questioned him as to why he has filed an application complaining about their act of falling down the trees. They were annoyed with the complainant. They pushed him from the motor cycle. He fell on the road alongwith motor cycle and thereafter, applicant No. 3 Shridhar Rama Gawade had assaulted him with stone on his head and that thereafter, he had assaulted him with wooden log. It is alleged that the applicant had stolen Rs. 10,000/- from his pocket and had threatened him of dire consequences.

4 The injury certificate of the complainant shows that he had received multiple abrasions which are simple in nature.

5 It also appears from the statements of witnesses that at the time of incident, the complainant was contending that he had not filed any application complaining about the applicants. The eye-witnesses have contended that at the time of incident, the complainant had fallen on the ground and the applicants were questioning him as to whether he has filed an application and he was denying the same. However, in the first information report the complainant has stated that he had admitted to have filed an application before the forest authorities.

6 From the papers of investigation, this Court is of the opinion that custodial interrogation is unwarranted. Hence, the applicants have made out a case for pre-arrest bail.

7 The observations made hereinabove are prima facie in nature. The same shall not be considered while deciding application for discharge or quashing of FIR or at the time of trial.

8 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 9 of 2015 registered at Banda Police Station, Taluka- Sawantwadi, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and one or two sureties in the like amount.
- (iii) The applicants shall report to the concerned Police Station on 16th and 17th March, 2015 between 10 a.m. and 12 noon and cooperate with the Investigating agency to the best of their capacity.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)