

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 62 OF 2015

1. Sunny @ Bhupender CharanjeetsinghApplicants
2. Jaliya @ Jalinder Raju Nikkam

V/s.

The State of MaharashtraRespondent

Mr. Pawan Mali for Applicant
Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : FEBRUARY 24, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 56 of 2014 registered at Vakad Police Station, Pune for offence punishable under sections 326, 324, 323 & 506 r/w 34 of Indian Penal Code. Section 326 of Indian Penal Code is only non-bailable offence alleged against present applicant.

2) Perused papers of investigation. Medico Legal Certificates would indicate that Gagan Sahani was examined at Pimpri-Chinchwad Municipal

Corporation on 16/10/2014. He has sustained multiple abrasion over left hand dorsal aspect and abrasion over right knee. Roshan Sahani had sustained CLW over right eye-brow, nose and blunt trauma to face and nose. It prima facie does not appear that the injuries sustained by victim would fall under section 326 of Indian Penal Code. It is the case of prosecution that on 15/10/2014, present applicants had attacked the complainant on the ground that he was not keeping contact with them. The motive appears to be trifling in nature. It is alleged that initially, applicants had assaulted with fist and kick blows.

3) Learned APP submits that custodial interrogation is necessary only for the purpose of recovery of weapons. This Court is of the opinion that custodial interrogation is not imperative in the facts and circumstances of the case and attendance to the police station would serve the ends of justice.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, 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) Applicants shall report to the concerned police station on four consecutive Saturdays, commencing from 28/02/2015 between 10.00 am to 12.00 noon.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)