

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 78 OF 2015

1 Rajendra Baburao Kamble.
2 Nitin Deoram Kamble.
3 Ananda Shivaji Vairat.
4 Siddharth Umakant Kamble.
5 Parag Prashant Kamble. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sanjeev P. Kadam, advocate for Applicants.

Mr. Arfan Sait, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 16, 2015

P.C.:

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

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicants are apprehending their arrest in
Crime No. 430 of 2014 registered at Loni Kalbhor Police Station for

offence punishable under Section 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

3 The applicant No. 1 Rajendra Baburao Kamble was arrested and has been enlarged on bail under Section 439 of the Code of Criminal Procedure, 1973. Hence, the prayer in this application in so far as applicant No. 1 has become infructuous. Hence, the application stands dismissed as infructuous.

4 The learned Counsel appearing for the applicants does not press the application of applicant Nos. 2 to 4 under Section 438 of the Code of Criminal Procedure, 1973 and seeks to withdraw the same. The learned Counsel upon instructions seeks time to surrender. The application in so far as applicant Nos. 2 to 4 are concerned, stands dismissed as withdrawn. The applicant Nos. 2 to 4 are hereby protected till 5 p.m. of 23/2/2015 during which period, they shall appear before the Magistrate and seek bail. The learned Magistrate shall not be influenced by the withdrawal of this application and shall

consider the application filed by them under Section 437 of the Code of Criminal Procedure, 1973 on its own merits and dispose of the same expeditiously.

5 As far as applicant No. 5 Parag Prashant Kamble is concerned, he happens to be a student. He is pursuing his education in the commerce faculty and he is student of S.Y. B.com. in S.M. Joshi College, Hadapsar, Pune. The date of birth of applicant No. 5 is 1/9/1994. The applicant No. 5 is a young lad and being arrested in the present offence, would stigmatise his career forever and would be read as an antecedents. In view of this, the applicant No. 5 Parag Prashant Kamble deserves to be granted pre-arrest bail. Hence, following order is passed :

- (i) The application in so far as applicant No. 5 Parag Prashant Kamble is allowed.
- (ii) In the event of arrest, the applicant No. 5 Parag Prashant Kamble be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

(iii) The applicant No. 5 shall report to the police station as and when called and cooperate with the investigating agency to the best of his capacity.

6 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)