

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 86 OF 2015

Ranjit A. More. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Harshad E. Palwe, advocate for Applicant.

Mr. Arfan Sait, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J

DATE : FEBRUARY 6, 2015

P.C.:

1 Heard the learned Counsel for the applicant 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 applicant herein is apprehending his arrest in Crime No. 177 of 2014 registered at Kamothe Police Station for offence punishable under Section 326, 504 read with Section 34 of the Indian Penal code.

3 It is the case of the prosecution that the present applicant was working with developer namely Sachin Zende. Sachin Zende had taken a site for development at Kamothe. There is quarrel between Pandurang Mhatre and Dnyaneshwar Mhatre(complainant). That there was an agreement between Mhatre and Sachin Zende. On the day of the incident, Sachin Zende was informed that Dnyaneshwar Mhatre had put a lock to one of the shops. Upon enquiry from him by Sachine Zende, he has disclosed that it was Dnyaneshwar Mhatre who had put the lock. He called upon Dnyaneshwar Mhatre and thereafter, they had come to the site office. At that time, an altercation had taken place between Sachin Zende on one side and Mhatre Family on the other side. Dnyaneshwar and Pandurang had also called their relative on the spot who were armed with stick and iron rod. They mounted assault upon Sachin Zende and at that time it is alleged that at the instigation of Sachin Zende, the present applicant had given fist blow with chopper on the face of the complainant. He had sustained fracture of nasal bone.

4 The learned Counsel for the applicant submits that the said altercation was between the complainant and Sachin Zende. The incident has occurred at the spur of the moment without any pre-meditation. Sachin Zende has been enlarged on pre-arrest bail. There are cross-complaint. Sachin Zende has also lodged complaint against Pandurang Mhatre and Dnyaneshwar Mhatre alleging therein that they had initiated assaulted.

5 It prima facie appears that the incident had occurred at the spur of the moment without there being any intention to cause grievous hurt. In view of this, the applicant who has no criminal antecedents, is entitled to grant of pre-arrest bail.

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

9 Hence, following order is passed :

ORDER

(i) In the event of arrest in Crime No. 177/2014, the applicant 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.

(ii) The applicant shall report to the police station on four consecutive Sunday commencing from 15/2/2015 and cooperate with the investigating agency to the best of his capacity.

10 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)