

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

ANTICIPATORY BAIL APPLICATION NO.673 OF 2015

Pravin @ Bunty Mohan Araj and ors. ..Applicants.

VS.

The State of Maharashtra. ..Respondent.

Mr. Niranjan Mundargi for the Applicant.

Ms.P.P.Shinde, APP. for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 14 JULY 2015

PC:

Heard.

2) This is an application under Section 438 of the Cr.P.C. The applicants herein are apprehending their arrest in Crime No.31/2015 registered at Vikramgarh Police Station for offence punishable under Sections- 395, 355, 504, 506, 427 read with 34 of the I.P.C.

3) At the threshold the learned counsel upon instructions submits that he would not press for bail application of applicant No.1. He seeks liberty to withdraw the application as far as applicant No.1 is concerned with further liberty to appear before the concerned Magistrate on or before 22.7.2015. Liberty as prayed for is granted in the interest of justice.

4) It is the case of the prosecution that on 15.4.2015 Nitin Methwale lodged report at the police station alleging therein that in October 2014 one person from Bombay had purchased adjacent land Gat No.102. He had constructed wall compound to the said land. He had obstructed ingress and outgress of the complainant to his own land. The complainant had complained about it to the Gram Panchayat, Kurzne. He had also filed complaint before the Collector and the other authorities. On 15/4/2015, Gramsabha of the Gram Panchayat Kurzne was held. The complainant attended the meeting at about 11.a.m. Gramsevak had read the subject for consideration and it was informed that one Mamnani had filed an application seeking no objection certificate to start shelter for she goats and other animals. The complainant raised an objection for the same. At that time the applicant No.1 had abused the complainant and had brandished his revolver and threatened the complainant of dire consequences. On the basis of this Crime No.31/2015 was registered. It appears from the papers of investigation that no specific role is attributed to the applicant Nos. 2,3 and 4. The allegations against the applicant Nos. 2,3 and 4 are omnibus in nature. There are no criminal antecedents. Hence, applicants 2,3 and 4 deserve pre-arrest bail. It is made clear that the observations made herein above are restricted to the application under Section 438 of the Cr. P .C. and shall not be considered for the purpose of quashing of FIR, Discharge

Application or at the time of hearing. This Court is of the opinion that custodial interrogation of applicant Nos. 2,3 and 4 is not warranted. Application is partly allowed. The application of Applicant No.1 is hereby dismissed as withdrawn. He is protected till 5.00p.m. of 22.7.2015.

ORDER

In the event of arrest of applicant Nos. 2,3 and 4 they be enlarged on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

2) They shall report to the concerned police station as and when called.

(SMT. SADHANA S. JADHAV, J.)