

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAILAPPLICATION NO. 1661 OF 2014

1. Shri Avinash Mohan Malwe)
2. Shri Rajendra Sahebrao Jagtap)
3. Shri Mohan Rangnath Malwe) Applicants
vs.
The State of Maharashtra ... Respondents

Mr. Sandeep S. Salunkhe, Advocate for the applicants
Ms. Vira Shinde, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 12th January, 2015.

P.C.

Heard. The applicants herein are apprehending their arrest in Crime No.352 of 2014 registered at Yavat Police Station for the offence punishable under Sections 143, 147, 148, 149, 324, 323, 326, 307, 504, 506 of Indian Penal Code.

2. The learned counsel for the applicants fairly submits that subsequently Section 307 of IPC has been added.

3. It is the case of the prosecution that on 20.11.2014 Santosh Rajgure lodged a report at the police station alleging therein that the family of the complainant has a dispute with the family of the present applicants on account of the common boundary between their agricultural lands. It is admitted in the first

information report that they had removed the tin sheets erected by the applicants' family and had fixed the boundaries unilaterally. It is alleged that on the date of the incident, there was an altercation between both the groups and at that time Sandip is alleged to have assaulted Shivaji with a stick, whereas applicant Nos. 1 and 2 had assaulted injured Shivaji with fist and kick blows, whereas Mohan had assaulted with a stick on his leg. Sandip who is alleged to have assaulted on the head of Shivaji has been arrested and is in custody.

4. The learned counsel for the applicant submits that applicant No.3 – Mohan Malwe has been falsely implicated since he has initiated prosecution against Shivaji Rajguru, Chandrakant, Sampat and Yuvraj by filing the application before the Superintendent of Police, Pune Rural on 25.9.2014 alleging therein that the said persons were asking protection money of Rs.5,30,000/- per month in order to run the hotel. Similar complaint was made on 26.9.2014, 17.10.2014 and 27.10.2014. The applicant No.3 had lodged a report on 29.11.2014 on the basis of which Crime No.368 of 2014 is registered against the injured and others. It appears to be a case of cross-complaint. The Injury Certificate shows that the injured had sustained simple injuries except one grievous injury by Shivaji on his ulna.

5. Taking into consideration the papers of investigation and the

submissions advanced across the Bar, this Court is of the opinion that the applicants deserve pre-arrest bail.

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

ORDER

- (i) The application is allowed.
- (ii) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.15,000/- with on or two sureties of the like amount.
- (iii) The applicants shall report to the concerned Police Station as and when called.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)