

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

ANTICIPATORY BAIL APPLICATION NO.1925 OF 2015

Rahul Chandrakant Pawar & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Kuldeep Nikam for the Applicants.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 22nd DECEMBER, 2015.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicants, apprehending their arrest in Crime No.190 of 2015 registered with Vaduj Police Station, District-Satara, for the offence punishable under section 394 of the Indian Penal Code, 1860.

2. The allegations against the Applicants in brief are that on 16.11.2015 at about 9.30 p.m. the complainant Sachin Sakat and one Vikas Kharat were proceeding to Vikhale Phata on a motor-cycle and that the Applicants had followed them on their motor-cycle and intercepted them and thereafter assaulted them with sharp weapons and by kicks and blows. It is further alleged that the Applicants had

snatched a gold chain and Rs.5,000/- from the complainant. Based on the said FIR, aforestated crime was registered.

3. The learned counsel for the Applicants has submitted that the relations between the Applicants and the family members of the complainant are strained and that several complaints and cross complaints have been filed by them against each other. Considering the nature of the relationship between the parties and also considering the nature of the allegations levelled against the Applicants, this is not a case which would justify custodial interrogation.

4. The learned APP has submitted that the offence under section 395 of the IPC is of serious and grave in nature and that the presence of the Applicants are required for the purpose of custodial interrogation.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicants and the learned APP for the Respondent -State. The records prima facie reveal that the relationship between the Applicants and the complainant's family are strained. Both the groups have filed complaints and counter

complaints against each other. The FIR does not prima facie indicate that the complainant was assaulted in an attempt to commit robbery. The records prima facie indicate that the incident of assault was because of the previous enmity between the parties. Even otherwise the injury sustained by the complainant are simple in nature. Considering the strained relationship between the parties and also considering the nature of the allegations levelled against the Applicants, in my considered view this is not a case which would justify custodial interrogation. The Applicants are permanent residents of Khataav-Taluka, District-Satara. Hence, there is no possibility of the Applicants absconding or hampering the trial.

6. In the facts and circumstances, the application for anticipatory bail is allowed on the following terms and conditions:

(I) In the event of the arrest of the Applicants in Crime No.190 of 2015 registered with Vaduj Police Station, District-Satara, the Applicants are ordered to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety to the like amount to the satisfaction

of J.M.F.C., Vaduj.

(II) The Applicants shall report for seven days from 10.00 a.m. to 2.00 p.m. from the date of receipt of the order.

(III) The Applicants shall not interfere with the complainant and the other witnesses and/ or tamper with the evidence in any manner.

(IV) The Applicants shall not leave District- Satara, till filing of the charge-sheet without prior permission of the learned Judicial Magistrate, First Class, Vaduj.

(ANUJA PRABHUDESSAI, J.)