

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.309 OF 2016

1.Balu Hiralal Ghodake
2.Shiva @ Shivaji Hiralal Ghodake
3.Dipak Hiralal Ghodake ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr. Priyal G. Sarda for the applicants.
Mrs. G. P. Mulekar, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 18th February, 2016.

P.C.

This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in C.R.No.3/2016 registered with MIDC Police Station, District Solapur, for the offences punishable under Sections 452, 363, 323, 506 r/w. Sec 34 of the IPC.

2. Heard Mr. Priyal Sarda, learned Counsel for the applicants, and Mrs. Mulekar, learned APP for the State.

3. I have considered the submissions advanced by the learned counsel for the applicants and the learned APP for the State, and perused the records. The FIR lodged by Ashwin Jagdish Kodam reveals that on

6/1/2016 at about 9.30 p.m. the applicants came to the house and told him to pay their wages. It is further stated that the applicants assaulted his father by giving blows and slaps and thereafter took his father out of the house and again assaulted him by kicks and blows and left him near Maruti temple.

4. The medical certificate prima facie reveals that the injuries sustained by the father of the complainant were simple in nature. The FIR reveals that the incident had occurred on account of dispute over nonpayment of wages to the applicants who were working for him as masonry labour. The nature of the allegations levelled in the FIR as well as the injuries sustained by the father of the complainant do not justify custodial interrogation. In the circumstances, in my considered view, the applicants are entitled for pre-arrest bail. Hence, the anticipatory bail application is granted on the following terms:

- i) In the event of the arrest of the applicants in C.R. No.C.R.No.3/2016 registered with MIDC Police Station, District Solapur, the applicants be released on furnishing bail bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each with one solvent surety in the like amount, to the satisfaction of the learned Additional Sessions Judge-3, Solapur.

ii) The applicants shall report to the Investigating Officer, initially for a period of 4 days between 10 a.m. and 1 p.m., and thereafter as and when required by the Investigating Officer for the purpose of interrogation.

iii) The applicants shall not interfere with the complainant and other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)