

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.491 OF 2016**

1. Namdeo Deoba Ahire
2. Dadaji Deoba Ahire
3. Digambar Deoba Ahire
4. Eknath Deoba Ahire
5. Seema Namdeo Ahire

...Applicants

Versus

The State of Maharashtra

...Respondent

Ms.Sneha Sanap, for the Applicants

Ms.R.M.Gadhvi, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 21st MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-16 of 2016 registered with the Jaykheda Police Station, Nashik for the alleged offences punishable under Sections 395, 397, 354, 323, 504, 506 of the Indian Penal Code.
3. The incident in question is alleged to have taken place on 7th February, 2016 at about 4.00 p.m. With respect to the same incident, there

is a cross case, which is registered vide C.R.No.I-18 of 2016 with the same police station, for similar offences. In the present C.R. i.e. I-16 of 2016, it is alleged by the complainant – Rekha Ahire, that when she was sitting along with her husband in front of their house, all the applicants came there and abused and threatened them. It is alleged that the applicants assaulted her husband – Nanaji, with wooden sticks and fist and kick blows on his head, back and stomach, pursuant to which he became unconscious. It is alleged that the applicants removed cash worth Rs.80,000/- from Nanaji's pocket and snatched a gold necklace of 5 tolas from the complainant's neck.

4. Learned Counsel for the applicants submits that considering the nature of allegations and also the cross-cases lodged by the applicants' side, the applicants be granted pre-arrest bail. She submitted that both the parties have subsequently withdrawn allegations against each other.

5. Learned APP does not dispute the fact, that with respect to the same incident of 7th February, 2016, there are cross cases and the allegation in both the CRs' are similar in nature. She also does not dispute the fact,

that both the parties have filed complainants' affidavits stating therein, that they do not have any grievance against each other.

6. In the peculiar facts and circumstances of the case, the applicants are granted pre-arrest bail on the following terms and conditions:-

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.