

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1363 of 2016.

1. Shri Rohidas Dadasaheb Kadam)
2. Shri Abhimanyu @ Ram Arjun Ingale)
3. Shri Suryakant @ Taty Arjun Ingale)..Applicants

vs.

The State of Maharashtra

..Respondent

Mr.D.C.Awari ,Advocate for the applicants.

Ms. Veera Shinde, APP, for the State.

Mr. Abaji Jaisingh Jagdale, Police Havildar, Shirur Police Station, Pune,
(Gramin) present.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 7th September, 2016.

P.C.

1. This is an the application under Section 438 of Cr.P.C. Heard the learned counsel. Perused the papers of investigation.
2. The applicants herein are apprehending their arrest in Crime No. 126 of 2016 which was registered at the behest of the accused in Crime No.131 of 2016. It is clear that they are cross-complaints.
3. The learned counsel for the applicants submits that in fact the family of the complainant was armed with spade and the present applicants had

only acted in self defence. It is further submitted that the applicants had been to the police station. However, no cognizance was taken by the police on 9.4.2016 and they were referred to the Primary Health Centre. It is clear that both crimes are registered in respect of the same incident dated 9.4.2016. It is true that it prima facie appears that the complaint on the basis of which Crime No.126 of 2016 was registered was prior in point of time and was lodged on the day of the incident. It is a case of cross-complaint.

4. Taking into consideration the fact that the accused in Crime No.131 of 2016 have been granted pre-arrest bail, and the fact that the applicants are being prosecuted for the offence punishable under Section 326 of iPC, which is triable by a Court of Magistrate, the applicants also deserve to be granted pre-arrest bail.

5. The observations made hereinabove are prima facie in nature and shall not be considered at the time of quashing of FIR, 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.25,000/- with one or two sureties in the like amount.

(iii) The applicants shall report to the concerned Police Station on every Wednesday and Sunday between 10 a.m. to 12 noon till filing of the charge-sheet.

The Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)