

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1367 OF 2016

Rohit Netaji Rasal	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Rahul S. Kadam, Advocate for the applicant.
Mr. R.M. Pethe, APP, for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 1368 OF 2016

1. Shubham Alhad Sawant	)	
2. David Saloman Mulukwad	)..	Applicants
vs.		
The State of Maharashtra	..	Respondent

Mr. Rahul S. Kadam, Advocate for the applicants.
Mr. S.S. Pednekar, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 29th August, 2016.

P.C.

1. These are the applications under Section 438 of Cr.P.C. The applicants are apprehending their arrest in Crime No.405 of 2016 registered at Satara City Police Station for the offences punishable under Sections 307, 341, 323, 504, 506 read with Section 34 of IPC.

2. It appears from the first information report that the first informant was taken to Civil Hospital, Satara on 30.6.2016 as he had sustained grievous injuries. According to the first informant, he had a quarrel with Shubham when he was in school 10 to 15 days prior to the incident. The said dispute was resolved. According to the first informant, on 29.6.2016, he had been along with Gokul to Kodoli. Gokul did not meet him there. When he was returning back, Shubham and David stopped the motor-cycle. The complainant did not stop and, therefore, there was a quarrel and in the said quarrel, Shubham had assaulted him with a kukri. He had sustained grievous injuries and hence the offence was registered under Sections 307, 341, 323, 504 and 506 of IPC.

3. The allegation against the applicant in Criminal Application No.1367 f 2016 is that he had assaulted the complainant with fist and kick blows and therefore he was granted interim protection.

4. As far as Shubham is concerned, the learned counsel for the applicants has filed a certificate issued by a private hospital showing that Shubham had also sustained injuries. It is an admitted position that no reportis filed by Shubham in respect of the said incident.

5. The learned APP submits that there is no record with the Investigating Officer to show that Shubham had ever approached the police

or that he had made a statement at the private hospital that he had been assaulted by the first informant.

6. The learned counsel for the applicants submits that Shubham, who is an applicant in Criminal Application No.1368 of 2016, is a student prosecuting his studies in a Polytechnic College.

7. It is pertinent to note that Rohit appears to be 26 years old, whereas Shubham appears to be 27 years old. The first informant is hardly 16 years old and, therefore, the submission of the learned counsel for the applicants that there was a dispute between the complainant and the present applicant cannot be taken into consideration. The learned counsel for the applicants further submits that in the eventuality that the applicant is taken into custody, it would cause a disrepute to his career and therefore prays for pre-arrest bail.

8. The above observations shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial by the Sessions Court.

9. Taking into consideration the fact that there appears to be some dispute between the complainant and the group of the applicants, both the applicants deserve pre-arrest bail.

ORDER**Anticipatory Bail Application No. 1367 of 2016**

- (i) The application is allowed.
- (ii) In the event of his arrest, the applicant be enlarged on bail on the same terms and conditions as in Anticipatory Bail Application No.1368 of 2016.

Anticipatory Bail Application No. 1368 of 2016

- (iii) The application is allowed.
- (iv) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.RBond in the sum of Rs.30,000/- and one or two sureties in the like amount.
- (v) The applicants shall report to the concerned police station everyday between 10 a.m. to 12 noon commencing from 1.9.2016 till 15.9.2016.

Both the applications stand disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)