

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1444 OF 2016

1. Sunil Balashaheb Kadam	)	
2. Balashaheb Genba Kadam	).. Applicants	
vs.		
The State of Maharashtra	..Respondent	

Mr. Mahendra N. Sandhyanshiv ,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.

2. The applicants herein are apprehending their arrest in Crime
No. 131 of 2016 registered at Shirur Police Station, Tal. Shirur, Dist. Pune,
on 11.4.2016 for the offences punishable under Sections 326, 324, 143, 147,
148, 149, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. The learned counsel for the applicants, at the outset, has drawn the attention of this Court to the order dated 6.6.2016 passed by the Hon'ble Predecessor Bench in Anticipatory Bail Application No. 878 of 2016 where the co-accused in Crime No.131 of 2016 were granted pre-arrest bail by this Court. The learned counsel submits that the role assigned to the present applicants is *pari materia* the same and hence by virtue of the doctrine of parity, the applicants deserve the grant of pre-arrest bail.

4. The learned counsel for the applicants submits that on 9.4.2016, Sunil Kadam i.e. applicant No.1 had lodged a report at the police station alleging therein that on 9.4.2016, at about 6.30 a.m., when he was carrying out repairs of leakage in the pipeline behind the house of Rohidas Kadam, at that time, Rohidas Kadam had assaulted him and his family members i.e. his parents and others with a wooden log. That he had assaulted him with the spade-stick. This family members were abused. On the basis of the report filed by the present applicant No.1, Crime No.126 of 2016 was registered at the police station.

5. Perused the papers of investigation.

6. It appears from the papers of investigation that in Crime

No.126 of 2016, Ratnabai Kadam, mother of applicant No.1 had sustained a fracture on her vertebra due to the blunt object. The father of the applicant No.1 had also sustained a blunt injury on the back and that it had caused discoloration of the side of injury. That he was referred for Orthopedic treatment. That his father had sustained a fracture. Similarly, the applicant No.1 had sustained lacerated injuries on his knees and other parts of the body. That the wife of the applicant No.1 had also sustained an injury on her head and was referred for Orthopedic treatment.

7. The learned counsel for the applicants submits that Crime No.131 of 2016 has been registered on the basis of the statement of the accused in Crime No.126 of 2016. It is an after-thought and that the report was lodged only to counterblast the registration of Crime No.126 of 2016. Hence, according to the learned counsel for the applicants, the applicants deserve to be granted pre-arrest bail.

8. Taking into consideration the nature of allegations, the injury certificates of the applicant No.1 and his parents as well as his wife, the applicants deserve to be protected by way of pre-arrest bail.

9. 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 Sunday between 10 a.m. to 12 noon till filing of the charge-sheet.

The Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)