

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1447 OF 2016

Shrirang Pandurang Sadafule. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Ajit R. Pitale, advocate for Applicant.

Mr. S.S. Pednekar, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 20, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 328 of 2016 registered at Vijapur Naka Police Station, Solapur for offence punishable under Section 323, 324, 379, 504 and 506 of the Indian Penal Code.

3 It is the case of the prosecution that the present applicant happens to be the informant in Crime No. 334 of 2016. It is the case of the prosecution that the brother of the present applicant had filed a complaint against Hanumant Laxman Narayankar and others and directions under Section 156(3) of the Code of Criminal Procedure, 1973 were issued. As a result of which FIR came to be registered being C.R. No. 368 of 2014 under Section 193, 306, 500, 504, 506 read with section 120 B of the Indian Penal Code. The case was registered as R.C.C. No. 1130 of 2015.

4 It is the case of the prosecution that on 14/7/2016 Shrirang Sadafule i.e. the present applicant had lodged a report at the police station about the incident dated 12/7/2016 wherein he was apprehended by Hanumant Narayankar on the road at Vijapur Naka. In fact, Hanumant Narayankar had abused him and assaulted him with a stone lying nearby. The applicant herein had sustained injuries. He had approached the police and was referred to civil

hospital. The injury certificate would reveal that the applicant had sustained head injury and was required to be admitted in hospital for two days. The statement of the applicant was recorded on 14/7/2016 only after he was discharged from the hospital. While he was in the hospital, the complainant Hanumant Narayankar had lodged report at the police station alleging therein about the same incident. It is alleged by the complainant that the present applicant and his colleagues had assaulted him on the road and have also abused him. On the basis of the report of Narayankar Crime No. 328 of 2016 was registered at the police station.

5 In the cross-complaint, this Court has been pleased to grant pre-arrest bail in favour of the complainant. It is true that the present applicant had sustained injuries. It appears from the injury certificate that the patient was directed to undergo CT Scan and diagnostic treatment. It is also alleged that when the complainant had fallen on the road, the applicant and others had snatched his golden chain and therefore, an offence under Section 379 of the Indian Penal Code is

registered. However, taking into consideration the nature of allegation and the sentence contemplated for the alleged offence, this Court is inclined to grant pre-arrest bail.

6 However, it is made clear that the observations made hereinabove are prima facie in nature and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial. The learned trial Court shall decide the matter on its own merits. These observations are restricted to an application under Section 438 of the Code of Criminal Procedure, 1973.

7 Hence, following order is passed:

ORDER

- (i) The Application is allowed.
- (ii) In the event of arrest in C.R. No. 328 of 2016, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount.

(iii) The applicant shall report to the concerned police station as and when called by the Investigating Officer by issuing notice under Section 160 of the Code of Criminal Procedure, 1973.

(iv) The applicant shall not tamper with the evidence.

(v) The applicant shall furnish his residential address as well as contact number such as landline number, cell phone number etc. to the concerned Investigating Officer.

8 The Application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)