

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1577 OF 2016

1. Kundalik Shrirang Shendge
2. Kantilal Shrirang Shendge
3. Nana Dipak Kachare
4. Dhanaji Mahadeo Kachare
5. Mahadeo Rajaram Kachare
6. Tukaram Vitthal Thombare

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep Patil i/b Mr. Prashant S. Hagare Advocate for Applicants.
Mr. G. M. Hiparkar, Police constable Indapur Police Station Pune (Gramin)
Mr. Prashant Jadhav APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 30, 2016.

PC :

- 1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 396 of 2016 registered at Indapur police station for offences punishable under section 143, 147, 149, 436, 427, 323, 504 & 506 of the Indian Penal Code.
- 2) It is the case of the prosecution that on 15/08/2016, complainant

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Namdeo Kachare lodged a report at the police station alleging therein that on 15/08/2016, at about 10.30 a.m., when the complainant was at home along with his family members, applicants herein had come to his house in a Bolero jeep. They had abused the complainant on account of interfering with their personal lives. That they had assaulted the complainant and his family members with fist and kick blows. It is further alleged that just before leaving the scene of offence, they had set fire to the cattle shed adjacent to the house of the complainant which a thatched roof.

3) Perused the papers of investigation. The complainant had sustained contusions which are described as simple injuries. There were no animals in the cattle shed. Taking into consideration the nature of allegations, papers of investigation, injuries sustained by the complainant and his family members and the submissions advanced across the bar, this Court is of the opinion that custodial interrogation of the applicants would not be imperative. Hence, applicants deserve to be granted pre-arrest bail. However, it is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (iii) Applicants shall report to the concerned police station on 5th, 12th and 19th of October 2016 between 10.00 a.m. to 12.00 noon and co-operate with the investigating agency to the best of their capacity.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)