

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1629 OF 2016

1. Amol Vithal Wagh)
2. Dnyaneshwar Bhikaji Wagh) ... Applicants
Vs.
The State of Maharashtra ... Respondent

WITH
CRIMINAL APPLICATION NO. 888 OF 2016

Shashikant Kashinath Wagh Applicant

In the matter between:
Amol Vitthal Wagh & Anr. Applicants
vs.
The State of Maharashtra Respondent

Mr. Viral Rathod i/b. Mr. Harshad E. Palwe, Advocate for the applicants.
Mr. Satyajee P. Dighe, Advcoate for the Intervener.
Mr. Vinod Chate, APP, for the State.
Mr. Kiran S. Meher, PSI, Tryanbakeshwar Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 19th December, 2016.

P.C.

Heard. This is an application under Sectiion 438 of Cr.P.C.
The applicants herein are apprehending their arrest in Crime No.79 of 2016
registered at Nashik Taluka Police Station for ofences punishable under

Sections 143, 147, 148, 149, 427, 506 of the Indian Penal Code and Section 3(1)(10) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 7(1)(D) of Protection of Civil Rights Act, 1995.

2. On 22.9.2016, this Court, after considering the merits of the matter and after going through the papers of investigation, had granted ad-interim relief in favour of the applicants. It is not the case of the prosecution that the applicants have not abided the conditions imposed upon them.

3. The learned counsel for the Intervener as well as the learned APP, upon instructions, submits that the supplementary statement of Pramod Wagh was recorded on 25.7.2016 and he has stated that while causing damage to the car, the applicants had snatched a golden chain adorned by him and Rs.25,000/- which were kept in the drawer of the car and hence Section 395 of IPC has been added. It appears that the said act was committed in the same transaction in the course of scuffle. In view of this, the order dated 22.9.2016 deserves to be confirmed on the same terms and conditions.

4. The above observations are restricted to an application under Section 438 of Cr.P.C and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) 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.

(ii) The applicants shall report to the concerned police station on first Sunday of each month till the filing of the charge sheet.

The application stands disposed of.

5. Intervention application heard, allowed and disposed of.

(SMT. SADHANA S.JADHAV, J.)