

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1734 OF 2016

1 Bhausahab Shivram Jadhav	
2 Vishnu Abaji Jadhav	
3 Bhausahab Kisan Ahire	
4 Baban Kisan Ahire	
5 Bhagunath Ambu Jadhav	
6 Bhausahab Murlidhar Dhomas	
7 Arun Devram Jadhav	
8 Bapu Dhondiram Kakade	
9 Navnath Bhagwant Jadhav	
10 Nitin Pandurang Jadhav.	... Applicants.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Tushar N. Sonawane, advocate for Applicants.

Mr. Prashant Jadhav, APP for State.

Mr. Deepak B. Aware, PSI , Lasalgaon Police Station, Nashik.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : NOVEMBER 17, 2016**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State. Perused the papers.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 106/16 registered at Lasalgan police station, Nashik for the offence punishable under section 323, 324, 395, 504, 506 r/w. Section 34 of the Indian Penal Code. The applicants herein were granted interim relief upon considering the nature of allegations and the submissions advanced across the bar.

3 Perused the papers of investigation. It appears from the injury certificate that the injured Bhausahab Jadhav has sustained contused lacerated wound over occipital region. Dimension is not mentioned. There is blunt trauma on left elbow and one abrasion on the shoulder. The injuries are as simple injuries.

4 The learned Counsel for the applicants submits that no case under section 326 of the Indian Penal Code is made out. It is also submitted that in the scuffle according to the complainant, wallet and cash amount of Rs.

22000/- and gold chain were snatched and hence, it cannot be said that this offence is under section 395 of the Indian Penal Code.

5 Taking into consideration the papers of investigation, more particularly, injury certificate and the allegations levelled against the present applicants as well as the submissions advanced across the bar, this Court is of the opinion that the applicants deserve pre-arrest bail.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of hearing of application for discharge or quashing of FIR or at the time of trial.

7 Interim relief granted vide order dated 6/10/2016 is hereby confirmed on same terms and conditions which are as follows :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No.106/2016, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each and one or two sureties in the like amount.

(iii) The applicants shall report to the police station as and when called and cooperate with the investigating agency to the best of their capacity.

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

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)