

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1798 OF 2016**

Sahebrao Vitthal Mirgane

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Jaydeep D. Mane for the Applicant.

Mr. Rajan Salvi, APP for the Respondent -State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : NOVEMBER 24, 2016.

P. C. :

Heard the learned counsel for the Applicant and the learned
APP for the Respondent -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.136 of 2016 registered at Pangari police station for the offences punishable under sections 307, 325, 323, 504, 143, 147, 149 of the Indian Penal Code. It is the case of the prosecution that on 3rd July, 2016, Sachin Kumar Mirgane lodged a report at the police station alleging therein that on 30th June, 2016 at about 7.30 p.m. said Santosh @ Baban Mirgane alongwith six others assaulted Sachin and his servant Nagesh Vibhute with iron rod, iron pipe etc. The role

attributed to the present Applicant is that after the complainant was assaulted the Applicant had appeared on the spot and had exhorted the assailants to assault Sachin and his servant.

3. The learned counsel for the Applicant placed on record the certificate issued by “*Shree Samast Varkari Phadkari Dindi Samaj Sanghatana*” certifying therein that the present Applicant had participated in the Dindi from 28th June, 2016 to 14th July, 2016.

4. Taking into consideration the nature of allegations, the role attributed to the present Applicant and the certificate issued by “*Shree Samast Varkari Phadkari Dindi Samaj Sanghatana*” the Applicant, who is 66 years old deserves to be granted pre-arrest bail.

5. It is made clear that the observations are restricted to an application under section 438 of the Criminal Procedure Code and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

O R D E R

(i) The application is allowed.

(ii) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more

sureties in the like amount.

(iii) The Applicant shall report to the concerned police station as and when called for.

6. The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)