

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1698 OF 2016

1 Narayan Namdev Shekade.	
2 Manoj Narayan Shekade.	... Applicants.
Versus	
The State of Maharashtra.	... Respondent.

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1827 OF 2016

Pramod Namdev Shekade.	
Versus	
The State of Maharashtra.	... Applicant.
	... Respondent.

Mr. Pravin U. Gaikwad, advocate for Applicants.

Mr. Prashant Jadhav, APP for State.

Kiran Shivaji Londhe, Asst. Police Inspector, Hadapsar Police Station,
Pune.

**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 in both the applications are apprehending their arrest in Crime No. 612 of 2016 registered with Hadapsar Police Station for offence punishable under section 323, 326, 504 read with Section 34 of the Indian Penal Code. This Court had considered the merits of the matter at the time of granting interim relief.

3 Perused the papers of investigation and more particularly, injury certificate. The injury certificate of injured Suryakant Sangle would show that he had sustained two abrasions and two blunt trauma and there was avulsion of teeth. He was advised to consult dentist. Avulsion of teeth has been described by grievous injury. The injury certificate of Manoj Sangle would show that he had sustained simple injury in the nature of abrasion and blunt trauma. The learned Counsel for the the applicants submits that the injured had not sustained grievous injuries as defined under section 320 of the Indian

Penal Code. It is in this circumstance that the applicants deserve to be granted pre-arrest bail.

4 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.

5 Thus, interim relief granted earlier is confirmed on the following terms:

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No.612/2016, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each and one or more 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.

6 The applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)