

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1847 OF 2016

Sanjay Mahadeo Babar.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Pranav H. Bhoite, advocate for Applicant.

Mr. Vinod Chate, APP for State.

Mr. S.D. Nil Patrewar, PSI , Daund Police Station.

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

P.C.:

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

2 This is an application under section 438 of the Indian Penal Code. The applicant herein is apprehending his arrest in Crime No. 449 of 2016 registered at Daund Police Station for offence punishable

under section 307, 143, 147, 148, 353, 504, 506 of the Indian Penal Code.

3 It is the case of the prosecution that on 10/8/2016 at about 9.30 a.m., the complainant who happens to be Talathi of Swami Chincholi in Taluka Indapur was checking trucks and their licence to transport sand. At that time, present applicant alongwith co-accused had apprehended him, pulled him down from the truck, abused him referring by the caste and had assaulted him.

4 The specific allegation as far as assault is concerned, is attributed to the original accused No. 1. Upon perusal of the papers of the investigation and more particularly, the injury certificate, this Court is inclined to grant pre-arrest bail in favour of the applicant. The complainant had sustained one laceration on the left wrist, which is described as simple injury.

5 The learned Counsel for the applicant rightly submits that it cannot be said for a moment that offence under section 307 of the

Indian Penal Code can be made out. The learned Counsel for the applicant submits that the applicant is an agriculturist and has got nothing to do with excavation of sand. The principal allegations are against accused Nos. 1 and 2. In view of this, the applicant deserves 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 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 449/2016, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or more sureties in the like amount.

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

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

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)