

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1978 OF 2016

1. Balaji Baban ChavhanApplicants
2. Sagar Tanaji Mane

V/s.

The State of MaharashtraRespondent

Mr. Tushar N. Sonawane Advocate for the Applicants.

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 6th DECEMBER, 2016.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 587 of 2016 registered at Pandharpur City Police Station for offence punishable under sections 342, 365, 384, 386, 504 r/w 34 of the Indian Penal Code.

2) By an order dated 17/11/2016, this Court had granted ad-interim relief in favour of the applicants. It is not the case of the prosecution that the

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applicants have committed breach of the conditions imposed upon them. The only allegation against the present applicant no. 1 is concerned is that members of purported Human Rights Commission were travelling in his car when they had been to raid the hospital of the complainant. As far as applicant no. 2 is concerned, it is the case of the prosecution that he is friend of applicant no. 1. As on today, the learned counsel for the applicants submits that the car is also returned in favour of applicant no. 1.

3) Taking into consideration the papers of investigation and the role attributed to the present applicants, this Court is of the opinion that they deserve pre-arrest bail. However, it is made clear that observations made herein above are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.

(iii) Applicants shall report to the concerned police station as and when called.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)