

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2018 OF 2016**

Mr. Mhasu Damu Hinge ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2003 OF 2016**

Mr. Bharat Sukhdeo Pawar ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Ameya Deshpande for the Applicant in ABA/2018/2016

Mr. P.G. Jagdale for the Applicant in ABA/2003/2016

Mr. Prashant Jadhav, APP for the Respondent -State in ABA/2018/2016

Mr. Vinod Chate, APP for the Respondent-State in ABA/2003/2016

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : NOVEMBER 24, 2016.

P. C. :

1. Heard the learned counsel for the Applicants and the learned APPs for the Respondent-State. Perused the papers.

2. These are the applications under section 438 of the Criminal Procedure Code, 1973. The Applicants herein are apprehending their arrest in Crime No.228 of 2016 registered at

Malegaon Taluka Police Station initially for the offences punishable under Sections 324, 323, 341, 504 and 506 read with Section 34 of the Indian Penal Code. Subsequently, Section 307 of the Indian Penal Code has been added.

3. It is the case of the prosecution that on 11th October, 2016 Mohini More lodged a report at the police station alleging therein that on 10th October, 2016 after working at the agricultural land she was proceeding home with her father-in-law on motorcycle. When they were passing through Mhasoba Temple they noticed that there was no further access to the road as the road was blocked by JCB machine belonging to Mr. Kantilal Hinge was parked. There was a verbal altercation between her father-in-law and Kantilal Hinge. Soon thereafter Pravin Hinge and Bharat Pawar started assaulting her father-in-law with fists and kick blows and thereafter Kantilal Hinge had drawn tommy from the JCB and had assaulted her father-in-law, due to which, he had sustained grievous injuries. The injury certificate is on record.

4. The act attributed to the present Applicants is that in the course of verbal altercation the Applicants herein had assaulted

Sukhdeo with fists and kick blows. Upon perusal of the injury certificate, it appears that the injured Sukhdeo had sustained contused lacerated wound on the occipital region, which was caused by accused No.1.

5. In view of the above, considering the medical certificate of the injured Sukhdeo More, this Court is of the opinion that the Applicants deserve grant of pre-arrest bail.

6. The observations are restricted to the applications 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 applications are allowed.

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

(iii) The Applicants shall report to the concerned police station on every Saturday and Wednesday commencing from 3rd December, 2016 between 10.00 a.m. to 12.00 noon till the filing of the

chargesheet.

7. The applications stand disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)