

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1945 OF 2015**

1.Shri Bapu Bhivaji @ Shivaji Dagade
2.Shri Chandu Bhivaji @ Shivaji Dagade ..Applicants

v/s.

The State of Maharashtra. ..Respondent

Mr. Kuldeep Patil i/b. Mr. Prashant S. Hagare for the applicant.
Mr. D. P. Adsul, APP for the State.
Mr. G. S. Gajbhane, PSI , Vadgaon Nimbalkar Police Station.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : JANUARY 19, 2016.

P.C.

. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in C. R. No.68/2012 registered with Vadgaon Nimbalkar Police Station, Tal Baramati, for the offences punishable under Section 306, 506 r/w.34 of the IPC.

2. Heard learned Counsel for the applicants, and the learned APP for the State.

3. The FIR lodged by Srirang Lakde prima facie reveal that on 22/2/2012, his son Vijay had lodged a complaint against the applicant and others for assaulting him. The applicants were arrested by the

police and as a consequence thereof the applicants were constantly harassing and threatening Vijay. The complainant had alleged that his son Vijay had committed suicide on 3/4/2012 because of threats given and harassment meted out to him by the applicants and others.

4. It is pertinent to note that Vijay had committed suicide in April 2012, the FIR was registered in May 2012 whereas the applicants are sought to be arrested in the year 2015 without disclosing any reasons for custodial interrogation after such inordinate delay. Even otherwise prima facie there is no material on record in the form of police complaints or otherwise to indicate that the applicants herein had threatened to cause death of said Vijay. There being no prima facie material to show that the applicants have committed any act or omission as envisaged u/s.107 of the IPC, the applicants are entitled for bail.

5. Hence, the anticipatory bail application is granted on the following terms:

i) In the event of the arrest of the applicants in Crime No.C. R. No.68/2012 registered with Vadgaon Nimbalkar Police Station, Tal Baramati, the applicants be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety

in the like amount, to the satisfaction of the learned Additional Sessions Judge-1, Baramati.

ii) The applicants shall report to the Investigating Officer, initially for a period of 4 days from 10 a.m. to 1 p.m. from the date of receipt of the order and thereafter as and when required by the Investigating Officer for the purpose of interrogation.

(ANUJA PRABHUDESSAI, J.)