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

ANTICIPATORY BAIL APPLICATION NO. 851 OF 2017

Sudesh Vitthal Jadhav & Anr.	.. Applicants
Vs.	
The State of Maharashtra	.. Respondent

Mr. Kabul Singh Labana for the Applicant.
Ms. P. P. Shinde, APP for the Respondent-State.
Mr. Vikas Ram Rathod, PSI, Ambernath Police Station present.

CORAM : A.S. GADKARI, J.

DATE : 5th MAY, 2017.

P. C. :

1. The applicant is apprehending arrest in C. R. No. I-283 of 2016 dated 26.09.2016 registered with Ambernath Police Station under Sections 452, 143, 144, 146, 148, 149, 324, 323, 504, 506, 380 of the Indian Penal Code.

2. The First Information Report is lodged by Shri Rajendra Shankar Chavan on 26.09.2016 at about 4.45 a.m. for an incident which took place on 25.09.2016 at about 11.30 p.m. It is alleged that the applicants along with co-accused Suraj and other accused committed criminal trespass into the house of informant and assaulted him. That, co-accused Suraj gave a blow of sharp edged weapon on the head of the first informant, the applicant No.2 Sharnibai assaulted with a wooden batten on his head and applicant No.1 Sudesh and also assaulted the first informant and his son on their legs with stick. The record reveals the fact that Smt.

Sunayana Gaikwad i.e. the sister of applicant No.1 had lodged C.R. No. I-282 of 2016 dated 26.09.2016 at about 4.00 a.m. for an incident which took place on 25.09.2016 at about 11.30 p.m.

3. It appears that there was a scuffle took place in the said two groups of the persons and cross-complaints are filed. Medical record of the first informant do not corroborate his version mentioned in the FIR. Medical Certificate of Rajendra mentions two simple injuries on his frontal part of head and other part of body. As stated earlier, medical record does not corroborate the version of the first informant and it appears that his version is exaggerated. The record further reveals that co-accused Suraj has been granted pre-arrest bail by the learned Additional Sessions Judge, Kalyan by its order dated 09.01.2017.

4. In view of the above, the applicants have made out a case of for their release on pre-arrest bail.

Hence, the following order:

- (i) In the event of arrest of the applicants in C. R. No. I-283 of 2016 dated 26.09.2016 registered with Ambarnath Police Station, the applicants shall be released on bail on their furnishing P.R. Bond of Rs.15,000/- each with one or two separate local sureties in the like amount.
- (ii) The applicants shall attend the Investigating Officer as and when called for between 10.00 a.m. to 12.00 noon till the filing of the final report/charge-sheet. It is needless to mention that,

before calling the applicant to the police station, the Investigating Officer shall issue a notice under Section 160 of the Code of Criminal Procedure and specify the date and aforestated time in the said notice.

(iii) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]