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

ANTICIPATORY BAIL APPLICATION NO.1194 OF 2017

- | | | |
|----|------------------------------|---------------|
| 1. | Sachin Raghunath Malegaonkar | |
| 2. | Rohini Sachin Malegaonkar | ...Applicants |
| | Versus | |
| | The State of Maharashtra | ...Respondent |

Mr.Piyush Toshnival i/b Mr.A.I.Satpute, for the Applicants

Mr.S.S.Hulke, A.P.P for the Respondent-State.

ASI – Kailash Gujar, Malegaon Taluka Police Station, Nashik.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-37 of 2015 registered with the Malegaon Taluka Police Station, Nashik (Rural), for the alleged offences punishable under Sections 394, 354(A), 323, 504 and 506 of the Indian Penal Code.

3. Learned Counsel for the applicants submits that the applicants have been falsely implicated in the said case. He submitted that the allegations as against the applicants are false and baseless and have been made as a counter blast to the cross case filed by the applicant no.2 herein, which was registered vide C.R.No.I-36 of 2015, with the Malegaon Taluka Police Station, for the alleged offences punishable under Sections 394, 427, 504 and 506 of the Indian Penal Code. He submitted that although the incident is alleged to have taken place on 5th February, 2015, the police have not apprehended them, though they were very much in the city.

4. Learned APP opposed the application.

5. It appears that the complainant's son was working as a Head Master in the Applicants' School. It appears that the complainant's son was removed by the applicants, pursuant to which, the aforesaid incident took place on 5th February, 2015. It appears that pursuant thereto, the complainant's mother and aunt came to the School and there was an altercation between the applicants' side on the one hand and the complainant's side on the other. It is alleged that in the said incident, the

applicant No.2 snatched the complainant's gold chain weighing 10 gm. The incident is alleged to have taken place at about 12.00 noon. With respect to the incident, the applicant no.2 has also lodged an FIR, making similar allegations, as against the complainant and others, which was registered with the Malegaon Taluka Police Station, vide C.R.No.I-36 of 2015, for the offences punishable under Sections 394, 427, 504 and 506 of the Indian Penal Code. Thereafter, the complainant lodged the aforesaid C.R., being C.R. No. I-37 of 2015 at 9.00 p.m, with the Malegaon Taluka Police Station, Nashik (Rural), alleging offences punishable under Sections 394, 354(A), 323, 504 and 506 of the Indian Penal Code. There is nothing on record to show, that the applicants were absconding. The incident is of 2015.

6. In the peculiar facts of this case and considering the cross cases between the parties and the nature of allegations, custodial interrogation of the applicants is not required. The application is accordingly allowed and the applicants are granted pre-arrest bail on the following terms and conditions:-

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)