

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1678 OF 2017

Vasant Kisan Agiwale and anr. vs. The State of Maharashtra

WITH

ANTICIPATORY BAIL APPLICATION NO.1679 OF 2017

Sagar Dattatraya Agiwale and anr. vs. The State of Maharashtra

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| Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. A. Mundergi, Senior Advocate i/by A.B.Kadam for the Applicant.

Mr. Prashant Jadhav, APP. for the State in ABA No.1678/2017.

Mr. Ajay Patil, APP. for the State in ABA No.1679/2017.

CORAM : A.S.GADKARI, J.

DATE : 26th September, 2017

P.C.

1. The aforesaid applications are under Section 438 of the Cr.P.C. for pre-arrest bail in CR NO.83/2017 registered with Rasayani Police Station, Taluka-Panvel, District-Raigad under Sections 143,147,148,149,323,324,326,452,504 read with 34 of the Indian Penal Code.

2. The first information report is lodged by Smt. Subhash Patil stating that due to the earlier dispute and /or enmity, on 7.9.2017 at about 8.30p.m. all the applicants committed criminal trespass in her

house. At that time the applicant Sagar and Satish were holding iron rod in their hands. The applicants Vasant and Nilesh caught hold her husband Subhash and applicants Sagar and Satish assaulted Subhash on his head and other parts of the body. In the premises the F.I.R.is lodged.

3. Perused the documents annexed to the application and the record of investigation. The version of the first informant is duly corroborated by the Medical Certificate issued in favour of Subhash Patil. The injured witness Subhash has received two contused lacerated wounds on temporal parietal region of his head and the Medical Officer has opined that the said injuries are probable by use of hard and blunt object. The statement of injured witness Subhash further corroborates the same. In view of the fact that it is alleged that the applicants have committed criminal trespass in the house of the first informant on the date of incident in the night at about 8.30 p.m. and assaulted husband of first informant Subhash Patil, it is necessary for the Investigating Officer to recover the weapons used in the present crime from the applicants and the same is not possible without custodial interrogation of the applicants.

4. In view of the above, I am of the view that the applicants does not deserve to be protected by pre-arrest bail.

5. Both the applications are accordingly rejected.

(A.S. GADKARI, J.)