

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1964 OF 2017***

1. Gulab Vishnu Datkhile	)	
2. Roshan Gulab Datkhile	)	...Applicants
Versus		
The State of Maharashtra		...Respondent

Mr.Hitesh P. Shah, for the applicants.

Ms.S.S.Kaushik,APP, for the State.

Mr. P.D.Gaikwad, PSI, Junnar Police Station, Pune (Rural) present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 14th December, 2017.

P.C. :

1. Heard. This is an application under section 438 of Cr.P.C. The applicants herein are apprehending their arrest in Crime No.180 of 2017 registered at Junnar Police Station for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code.
2. It is the case of the prosecution that on 29.9.2017, Prathamesh Rajguru lodged a report at the police station. That on 28.9.2017, when the complainant was on his way to meet his friend, the applicant No.2 accosted him on the way. He had mounted assault upon him with an iron rod and

thereafter he was assaulted by the brother of the applicant No.2. It is also alleged that Roshan i.e. applicant No.2 had assaulted the complainant with a sword. On the basis of the said report, Crime No.180 of 2017 is registered against the applicants for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. Perused the papers of investigation, more particularly the injury certificate which shows that the complainant had sustained one contused lacerated wound on the occipital region which is described as a simple injury and a blunt trauma over back which is attributed to kicks and blows as also described as simple injury. Prima facie, no case under Section 307 of IPC is made out.

4. The learned APP submits that custodial interrogation is necessary for the purpose of recovery of the weapons. The applicants deserve pre-arrest bail on condition that they shall co-operate with the investigating agency to the best of their capacity.

5. The observations hereinabove are prima facie in nature and shall not be taken into consideration at the time of deciding the application for quashing or discharge application.

ORDER

- (i) The application is allowed.
- (ii) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.25,000/- with one or two suretie in the like amount.
- (iii) The applicants shall report to the concerned police station on every Sunday between 10 a.m. to 12 noon till filing of the charge-sheet.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)