

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2218 OF 2017***

1. Sharif Mohammad Badshah Sutar	)	
2. Shaukat Badshah Sutar	).....Applicants	
Versus		
The State of Maharashtra	...	Respondent

Mr.Amit A. Karande, for the applicants.

Ms.Veera Shinde, APP, for the State.

Mr. M.H.Vidbate, API, Mangalwedha Police Station present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE :21st December, 2017.

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C.
The applicant herein is apprehending his arrest in Crime No.439 of 2017 registered at Mangalwedha Police Station under Sections 395, 143, 147,148, 149 of the Indian Pena Code.
2. It is the case of the prosecution that Vijayanand Murde lodged a report at the police statino on 1.10.2017 alleging therein that there is a civil dispute between the parties in respect of the site of construction of a house. On 1.10.2017, all had assembled and at that time Vijayanand was demanding the photographs of the construction site due to which there was

quarrel between the groups and in the said quarrel, the applicant and Mangal Satpute had snatched the Mangalsutra from the wife of the complainant. It is in these circumstances that the applicants are being prosecuted for the offence punishable under Section 395 of the Indian Penal Code.

3. Upon perusal of the papers of investigation, it appears that the incident had occurred on the spur of moment and that there was no intention to snatch Mangalsutra. The applicant has made out a case for pre-arrest bail.

4. The observations are restricted to an application under Section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of deciding the application for quashing, FIR or at the time of trial.

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.30,000/- with one or two sureties in the like amount.

Application stands disposed of

(SMT. SADHANA S.JADHAV, J.)