

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 1977 of 2018.

Smt. Urmila Vijay Pawar & Anr ..Applicants.
Vs
State of Maharashtra ..Respondent.

Mr. J.D.Mane, Advocate for the Applicants.
Mr. S.R. Agarkar, APP for the State.
Mr. H.D.Jare, P.H.C. Malshiras P.S.Solapur(R)present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATE : 26TH SEPTEMBER, 2018

P.C:-

1) This is an application filed under Section 438 of Criminal Procedure Code by the aforesaid applicants for pre-arrest bail, apprehending their arrest in C.R.No. 309 of 2018 registered at Malshiras Police Station, for offences punishable under sections 326, 327, 323, 504, 506 read with section 34 of the Indian Penal Code.

2) Heard Mr. Mane, learned counsel for the applicants and Mr. S.R.Agarkar, learned APP for the State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3) The aforesaid crime was registered pursuant to the first information report lodged by one Harishchandra Pingale. A

perusal of the said report prima facie reveals that the first informant had applied for a copy of 7-12 extract and that he had gone to the City Survey Office at Malshiras to obtain the said extract. It appears that there was some altercation between the first informant and applicant No.1 who had expressed her inability to issue the 7-12 extract. It is alleged that during this time the applicant No.2 had abused and assaulted the first informant by kicks and blows. The medical certificate prima facie reveals that the first informant had suffered grievous injury to nasal bone.

4) The records prima facie indicate that applicant No.1 was not involved in assaulting the first informant. There is also no prima facie material to show that applicant No.2 had used any weapon to inflict the injuries on the first informant. In my considered view, prima facie applicability of Section 326 of IPC is doubtful. The offences are triable by learned JMFC. The nature of allegations made against the applicant No.2 does not justify custodial interrogation. Furthermore, the applicants being public servants, there is no possibility of the applicants absconding and/or thwarting to course of justice.

5) Considering the facts and circumstances, in my

considered view, this is a fit case for grant of interim bail.

Hence, the following order :-

(i) In the event of arrest in Crime No. 309 of 2018 registered with Malshiras Police Station, the applicants be enlarged on bail on their furnishing bail bonds of Rs. 25,000/- each with one or two sureties each in the like amount to the satisfaction of the concerned Investigating Officer.

(ii) The applicants shall report to the Investigating Officer for four days with effect from 1st October, 2018 from 11:00 a.m. to 2:00 p.m. and thereafter as and when required and called by the Investigating Officer.

(iii) The applicants shall furnish their permanent and temporary addresses, if any, and their contact details to the Investigation Officer.

(iv) The applicants shall not change their residential address without prior intimation to the Investigation Officer.

(v) The applicants shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

6) Application is disposed of in the aforesaid terms.

(SMT. ANUJA PRABHUDESSAI, J.)