

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

ANTICIPATORY BAIL APPLICATION NO.2260 OF 2017

Shivaji Sattu Kale and anr. ... Applicants

V/s

The State of Maharashtra ... Respondent

Mr.Shivraj Kunchge i/by Mr. Vishal Limbaji Kale for the Applicants.

Mr.Prashant Jadhav, APP for the State/ Respondent.

Mr.Ketan R. Barge, PC, Dahiwadi Police Station present.

**CORAM : SMT.SADHANA S. JADHAV, J.
DATE : JUNE 11, 2018.**

P.C. :

1. Heard.

2. This is an application under Section 438 of Cr.P.C.. The applicants are apprehending their arrest in Crime No. 309 of 2017, registered at Dahiwadi Police station for the offences punishable under Sections 354, 324, 323, 504, 506 r/w 34 of Indian Penal Code. At the outset, learned APP upon instructions submits that the investigation is completed and charge-sheet is filed. It is not the case of the prosecution that the applicants have

not co-operated with the investigating agency while on interim relief.

3. It is a matter of record that the applicants and the first informant happened to be relatives. Civil Suit No. 83 of 2012 is pending before the court of C.J.J.D., Dahiwadi between the parties. There were intermittent quarrels between both parties. The applicants as well as the first informant had approached the police station on several occasions and non-cognizable offence were registered against each other. The incident is dated 22nd November 2017, whereas the first information report is lodged on 30th November 2017, although a non-cognizable case was registered in respect of the same incident prior to registration of first information report.

4. In view of the papers of investigation above stated facts, this court is of the opinion that the order dated 4th January 2018, deserves to be confirmed on same terms and conditions. However, it is made clear that the observations are restricted to application under section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR and discharge application 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 furnishing PR bond in a sum of Rs.25,000/- each with one or more solvent sureties in the like amount.

- iii) The application is allowed and disposed of accordingly.

(SMT.SADHANA S.JADHAV, J.)