

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 145 OF 2018***

Shivaji Dnayndeo Chormale

Applicant

Versus

The State of Maharashtra

Respondent

Mr. Ghansham S. Jadhav, for the applicant.

Mr. Y.M.Nakhwa, APP, for the State.

Mr. A.J.Jagdale, H.C. Shirur Police Station present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 31st January, 2018.

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.747 of 2017 registered at Shirur Police Station for the offences punishable under Sections 326, 324, 423, 504, 506 read with Section 34 of the Indian Penal

2. It is the case of the prosecution that on 19.10.2017, the complainant – Bharat Baburao Gawali, who was admitted in the hospital in an injured condition, lodged a report alleging therein that on 18.10.2017 at about 9.30 p.m., when he was proceeding towards Kasarwadi, he was accosted by Mahendra Maharnur, the present applicant and two others who

were under the influence of alcohol. They had started abusing him. They had chased him and had assaulted him with fist and kick blows. It is alleged that accused No.1 Mahendra Maharnur had assaulted the complainant with stick, whereas the other 3 accused have assaulted him with fist and kick blows. On the basis of the report, Crime No.747 of 2017 was registered.

3. Upon perusal of the papers of investigation, more particularly the injury certificate, it appears that the applicant had sustained swelling injuries on his cheeks and there was oral bleeding due to bite of the lip. There was swelling on the left parietal posterior region and C.T. scan shows that there was mild subcutaneous edema over left parietal posterior region. The allegation against the applicant is that he had assaulted with fist and kick blows. It appears that the accused No.1 was the author of the injury on the head. There are no criminal antecedents.

4. In view of the abovementioned facts, the applicant deserves to be granted pre-arrest bail.

5. However, it is made clear that 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 quashing of FIR, discharge application or

at the time of trial.

ORDER

(I) The application is allowed.

(i) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

(ii) The applicant shall report to the concerned police station from 5.2.2018 to 8.2.2018 everyday between 10.30 a.m. to 12 noon and co-operate with the investigating agency.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)