

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 237 OF 2018

Sachin Dada Rajage. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Shailesh D. Chavan a/w. Mr. Shreyash R. Mithare, advocate for Applicant.

Ms. Veera Shinde, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 20, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the Learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 0006 of 2018 registered at Pusegaon Police Station, District

Satara for offence punishable under section 307, 353, 332, 323, 504, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 6/1/2018 Kiran Pawar lodged report at the police station alleging therein that the applicant happens to be the owner of dumper and a car. On the date of the incident i.e. on 6/1/2018 at about 5.30 a.m. Circle Officer alongwith staff were on patrolling duty and the complainant was driving his Mahindra Jeep. When they reached near Koregaon road, they realised that a dumper was being driven towards them. The dumper was carrying about 3 brass of sand. The driver of the dumper had disclosed his name as Valekar. It is the case of the prosecution that the applicant is the owner of the said dumper and that they were indulging into illegal excavation of sand. The complainant was abused and assaulted by the applicant.

4 Although the offence is registered on 6/1/2018, till today the investigating agency has not collected injury certificate. The first

information report shows that the first informant was assaulted by fists and kick blows.

4 According to the learned Counsel for the applicant, there is no cogent and convincing material to show that the applicant had assaulted circle officer or any other officer.

5 Thus taking into consideration the papers of investigation and submissions advanced across the bar, this Court is of the opinion that the applicant deserves to be granted pre-arrest bail.

6 However, it is made clear that the observations made hereinabove are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the trial court shall not be influenced by the same for the purpose of quashing of FIR, discharge application or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No.0006 of 2018 registered at Pusegaon Police Station, District Satara, 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.
- (iii) The applicant shall report to the concerned police station from 23/2/2018 to 28/2/2018 everyday between 10.30 a.m. to 12 noon and cooperate with the investigating agency to the best of his capacity.
- (iv) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)