

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.876 OF 2018

Devendra Pandurang Adsule and Anr.	..Applicants
vs.	
The State of Maharashtra	...Respondent

Mr. M.K. Kocharekar i/b Mr. Pankaj R. Manohar for Applicants.
Mr. S.R. Agarkar, APP for the Respondent.
Mr. S. K. Pandhare, API Manmad City Police Station, Nashik (Rural).

**CORAM : P. N. DESHMUKH, J.
DATE : 26th APRIL, 2018**

P.C.:

. Issue notice. Learned APP waives notice for Respondent-State.
Heard learned counsel for applicant. Perused the case diary. By consent of the parties heard finally.

2. The application is filed by applicants involved in C.R. No.60/2018 registered with Manmad City Police Station, Nashik for the offence punishable under sections 392, 394, 397, 336 read with 34 of IPC on the basis of report lodged by Ravindra Nikam. Learned counsel for applicants submitted that applicants are falsely involved in this case as prior to the alleged incident dated 29/3/2018 applicant had lodged report against complainant on two occasions on the basis of which NC is registered dated 9/3/2017 and 21/3/2018 and has therefore sought anticipatory bail.

3. Learned APP has opposed applications contending that there is direct evidence involving applicants as assailants due to which complainant had sustained grievous injury and his wife is also subjected to assault

though she was pregnant at the hands of both the applicants. Learned counsel for applicant submitted that no role is attributed to applicant No.2 of any assault by any weapon but by fist and kick blows and therefore contended that atleast applicant No.2 who is lady be protected.

4. In the background of submissions advanced as aforesaid perusal of report reveals that on 27/3/2018 when his wife who was carrying pregnancy of 15 weeks and 5 days as revealed from the report had gone out at about 10.00 a.m. with complainant for walk when applicant No.2 abused her and pelted stones towards her and at the same time applicant No.1, husband of applicant No.2 arrived at the spot with iron rod and immediately committed assault on complainant due to which he sustained grievous injury. Both applicants then committed assault on wife of complainant by kick and fist blows due to which she fell down on ground. Above incident is stated to be witnessed by Vishal, Monish Suresh Chabukswar, Pravin Daulat Pagare, Vinay Sanjay Bhalerao. It is therefore submitted that application be rejected as investigation is in progress and weapon is to be recovered and one gold ornament is also required to be recovered which is alleged to be snatched away by applicant No.1 in the course of same incident.

5. Contents of report establish involvement of applicants. Applicant No.1 as found to have committed assault on complainant by iron rod due to which he has sustained grievous injury in the form of fracture to the left hand middle finger. Applicants' involvement is further established of having committed assault on wife of complainant by kick and fist blows. According to her injury report though she was pregnant of 15 weeks and 5 days, even applicant No.2 is found committing similar act of kick and fist blows upon pregnant lady. Contents of report are found substantiated from the eye witnesses statements. In that view of the matter

custodial interrogation is found necessary. Application is therefore devoid of merits and the same stands rejected.

(P.N. DESHMUKH, J)