

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

ANTICIPATORY BAIL APPLICATION NO.967 OF 2018

Mr. Popat Pandurang Gade & Anr. Applicants
Vs.
The State of Maharashtra Respondent

**ALONGWITH
CRIMINAL APPLICATION NO.643 OF 2018**

Sunil Dattatray Gade Intervenor/
Ori. Complainant

In the matter between

Mr. Popat Pandurang Gade & Anr. Applicants/
Accused.
Vs.

The State of Maharashtra Respondent

Mr. Vikas B. Shivarkar for the Applicants.
Mr. Akash P. Shah i/by Hulyalkar and Associates for Intervenor.
Mr. S.R. Agarkar, APP for the State.

Mr. Arvind B. Hingole, PSI, Talegaon MIDC Police Station.

Coram : **Smt. Sadhana S. Jadhav, J.**
Date : **14th June, 2018**

P.C.:

1 Heard the learned counsel for the applicants and the
learned APP.

2 This is an application under Section 438 Code of Criminal
Procedure. The applicants herein are apprehending their arrest in
Crime No.46 of 2018, registered at Talegaon MIDC Police Station,
Pune on 23rd April, 2018, for the offences punishable under Sections
323, 324, 307 read with 34 of Indian Penal Code.

3 It is the case of the prosecution that on 23rd April, 2018,
the nephew of applicant no.1 namely Sunil Dattatray Gade lodged a
report at the police station alleging therein that the present
applicants' agricultural land is adjacent to his own agricultural land.
There are intermittent quarrels over the boundary as well as the
common way. It is alleged that on 22nd April, 2018 at about 1.00
pm., when he was in his agricultural land, the present applicants had
suddenly driven their tractor in standing crops. He was trying his
level best to save the crops. He was threatened of dire consequences
and thereafter the complainant was assaulted with an iron rod, fixed

to the tractor. They had pelted stones at him. He had fallen unconscious and thereafter he had been to the hospital.

4 Perused the papers of investigation, which show that the complainant had been admitted in the hospital on 25th April 2018. He had sustained contusion lacerated on his left parietal region and blunt traumas. The opinion as well as the nature of injuries concerned is reserved. It is apparent from the papers of investigation that the complainant and the applicants are close relatives. There have been intermittent quarrels between them over trifling issues. No civil suit is pending between the parties. It is true that the complainant was injured.

5 Learned counsel for the applicants submits that even taking the case of the prosecution as it is, it would be clear that the trifling incident had been blown out of proportion. Taking into consideration the papers of investigation and submissions advanced across the bar, this Court is of the opinion that the applicants deserve pre-arrest bail.

6 The observations are restricted to application under Section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

O R D E R

1 The application is allowed.

2 In the event of arrest the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.30,000/- each with one or more solvent sureties in the like amount.

3 The applicants shall report to the concerned police station from 20th June 2018 to 23rd June 2018 everyday between 10.30 am. to 1.00 pm. and co-operate with the investigating agency.

4 The Intervention Application is heard, allowed and disposed of.

(Smt. Sadhana S. Jadhav, J)