IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1009 OF 2018

Akash @ Gurudev Laxman Alkunte .... Applicant
Vs.
The State of Maharashtra .... Respondent

Mr. Ujwal R. Agandsurve for the Applicant.
Ms. Veera Shinde APP for the State.
Mr. Jamadar, API, Faujdar Chawadi Police Station, Solapur, present.

Coram ***: Smt. Sadhana S. Jadhav***, J.
Date : 4th June, 2018

P.C.:

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

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.186 of 2018, registered at Faujdar Chawadi Police Station, Solapur for the offences punishable under Sections 143, 147, 148, 149, 336, 427, 323, 326 of Indian Penal Code and under Section 135 of Bombay Police Act.

3 It is the case of the prosecution that on 18th March, 2018 Jivit Dattatraya Sarvade had lodged a report at the Police Station alleging therein that on that day at about 6.30 pm., he had been to Navi Peth alongwith his friends and relatives for buying clothes for his friends and relatives. When they were in parking zone, two persons had challenged him for no reason. According to the complainant, the said persons were abusing him and his friends. His friends Ganesh and Sandip had intervened and pacified both the groups. Thereafter at 7.30 pm., he was alone in Budhwar Peth, some persons accompanied by Akshay i.e. the present applicant, Ambadas, Bhima and others had brought him and threatened him of dire consequences and had mounted assault upon him. One of his relatives had intervened and settled the quarrel. He had sustained injuries. Hence, he was constrained to go to the police station and lodged a report.

4 Perused the investigation papers. More particularly the injury certificates issued on 3rd April, 2018, which show that the injured were examined on 18th March 2018 at 8.15 pm. They had sustained simple injuries in the nature of blunt trauma and abrasions. Prima facie, it appears that the incident had occurred on the spur of moment. Hence, this court is of the opinion that the applicant has made out the case for grant of pre-arrest bail.

5 However, it is made clear that the observations made hereinabove are prima facie in nature. The same shall not be considered for the purpose of quashing of F.I.R., discharge application or at the trial. Hence, the following order is passed :

O R D E R

1 The application is allowed.

2 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.

3 The applicant shall reside beyond the Municipal limits of Solapur City till filing of the charge-sheet.

4 However, the applicant shall report to Fauzdar Chawadi Police Station from 7th June 2018 to 18th June, 2018 everyday between 10.30 am to 1.00 pm.

The application is allowed in above terms and stands disposed of.

(*Smt. Sadhana S. Jadhav*, J)