

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

ANTICIPATORY BAIL APPLICATION NO.1024 OF 2018

Vinod Narayan Kakade Applicant

Vs.

The State of Maharashtra Respondent

Mr. Vijay Killedar for the Applicant.
Mr. Prashant Jadhav APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 10th July 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.275 of 2018, registered at Dehu Road Police Station, District
Pune, for the offences punishable under Sections 307, 323 and 504
of Indian Penal Code.

3 It appears that the applicant and his brother have filed Regular Civil Suit No.1794 of 2017. Learned counsel for the applicant, upon instructions, submits that the complainant, Narayan Arun Pathade is one of the defendants. On 2nd December 2017, the application filed below Order 39, Rules 1 and 2 Code of Civil Procedure was allowed in favour of the applicants. That on the date of the incident, the complainant had been to the house of his friend Vaibhav Kakade, who is the defendant in Regular Civil Suit No. 1794 of 2017, at that time, the present applicant, his brother and mother had shouted at them for felling raw mangoes. There was an altercation. The applicant had started assaulting Vaibhav Kakade with fists and kicks blows. When the complainant intervened, he was told that it is a family dispute. It is alleged that the present applicant had picked up the stone lying nearby and assaulted on the head of Vaibhav Kakade. Vaibhav Kakade had sustained bleeding injury and then he was taken to Unicare Hospital. The said injury was sutured. It is pertinent to note that the applicant was also admitted in Niramaya Hospital, Pune after the police had given a

referral letter for the injuries sustained by him. It is, in these circumstances that the applicant deserves pre-arrest bail.

4 However, the observations are restricted to an application under Section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order :

ORDER

- i) The application is allowed.
- ii) 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.
- iii) The applicant shall report to the concerned police station as and when called by Police and co-operate the investigating agency.

(Smt. Sadhana S. Jadhav, J)