

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1128 OF 2018

1 Shubham Vishwas Walke.
2 Datta Ramdas Lokhande. .. Applicants.

V/s.

The State of Maharashtra. .. Respondent.

Mr. Satyavrat Joshi, advocate for applicants.

Mr. S.R. Agarkar, APP for State.

Mr. M.N. Thigale, Constable Ranjangaon, MIDC Police Station,
Pune(Rural).

CORAM : SMT. SADHANA S. JADHAV, JJ.

DATE : JUNE 13, 2018.

P. C. :

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application under section 438 of the Code of
Criminal Procedure, 1973. The applicants herein are apprehending his
arrest in Crime No. 74 of 2018 registered at Ranjangaon MIDC Police
Station for offence punishable under section 307, 324, 323, 143, 144,
147, 148, 149, 504, 506 of the Indian Penal Code and under section 4
read with 25 of the Arms Act.

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3 It is the case of the prosecution that on 2/5/2018 Kiran Pachange lodged a report at the police station alleging therein that on the complainant is running a firm namely "Yash Enterprises". He is undertaking work in Fiat Company at Ranjangaon. It appears that applicant No. 2 is working as supervisor in Shriram Enterprises. It appears that on 2/5/2018 when the applicant had been to Fiat Company, Sandeep Langhe had called him outside the gate of the company. There he saw Sandeep Langhe and Nikhil Supekar. He was discussing with them and suddenly Sandeep had abused him. In the meanwhile, Nikhil Supekar and Tushar Lange came in Innova car followed by Swift Dezire. The present applicant No. 1 was one of the occupant of the Swift Dezire. It appears that there is an altercation between both the groups over delineating their labour from one group to another. It is alleged that thereafter all the occupants of both the cars had brutally assaulted with deadly weapons, such as hockey sticks, sword and sticks. On the basis of the said report, the offence is registered. The injured Kiran Pachange was taken to primary health center at Ranjangaon. The medical certificate shows that he had sustained two scratches on the right side of the knee and lower rib and two blunt traumas on the shoulder and ear.

4 Prima facie, it appears that the incident has been blown out of

proportionate. In view of the same, the applicants have made out a case for grant of pre-arrest bail.

5 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 FIR, discharge application or at the time of trial.

6 Hence following order is passed:

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 74 of 2018 registered with Ranjangaon MIDC Police Station, Pune, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- each and one or more solvent sureties in the like amount amount.

(iii) The applicants shall report to the concerned police station as and when called upon intimation and cooperation with the investigating agency to the best of their capacity.

(iv) The applicants shall not tamper with the evidence.

7 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

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