

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1158 OF 2018

Nilesh Babusha Langhe. .. Applicant.

V/s.

The State of Maharashtra. .. Respondent.

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1159 OF 2018

1. Sandip Ashok Langhe.
2. Nikhil Maruti Supekar .. Applicants.

V/s.

The State of Maharashtra. .. Respondent.

Mr. Nitesh Mohite I/b. Mr. Satyavrat Joshi, advocate for applicants.

Mr. Prashant Jadhav, APP for State in ABA 1158/18.

Ms. Veera Shinde, APP in ABA 1159/18.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 20, 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 their

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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.

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 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 was 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 Learned Counsel for the applicants submits that two accused namely Shubham Walke and Datta Lokhande have been granted pre-arrest bail by this Court vide order dated 13/6/2018. There are similar allegations against the present applicants. It is submitted that by virtue of doctrine of parity, the applicants deserves to be granted pre-arrest bail.

5 Taking into consideration, the papers of investigation, more particularly, injury certificate which shows that the injured had sustained two scratch injury and two blunt traumas which are described as simple in nature, and that there is nothing to indicate that the applicants had assaulted the injured with sword. Prima facie, it appears that the incident has been blown out of proportion. In view of the same, the applicants have made out a case for grant of pre-arrest bail.

6 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.

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7 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.

8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]