

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1221 OF 2018

1 Kum. Ketan Shankar Temgire.
2 Kum. Dhananjay Shankar Temgire.
3 Kum. Rushikesh Bansi Temgire.
4 Rahul Sakharam Temgire.
5 Tushar Sanjay Pawale. ..Applicants.

V/s.

The State of Maharashtra ..Respondent.

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1222 OF 2018

1 Mrs. Mangal Shankar Temgire.
2 Mrs. Manisha Sanjay Pawale.
3 Mrs. Shital Temgire ..Applicants.

V/s.

The State of Maharashtra ..Respondent.

Mr. Sanjeev Prataprao Kadam, advocate for applicants.

Mr. Y.Y. Dabake, APP for State in ABA 1221/18.

Mr. Prashant Jadhav, APP for State in ABA 1222/18.

Mr. A.T. Shinde, PSI, Manchar Police Station, Pune.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 25, 2018.

P. C. :

1 Heard the learned Counsel for the applicants in both the applications and learned APP for State.

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2 These are applications under section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 120 of 2018 registered at Manchar Police Station, for offence punishable under section 326, 325, 324, 323, 143, 147, 149, 504, 506 of the Indian Penal Code read with section 135 Maharashtra Police Act.

3 It is a case of the prosecution that on 30/3/2018 Shankar Temgire had rushed to the police station at about 5.30 p.m. and reported accident dated 29th March, 2018 wherein there was altercation between the complainant and the accused persons. That some of them had sustained grievous injuries and some of them had sustained simple injuries on vital parts. On the basis of the said report, Crime No. 119 of 2018 is registered at Manchar Police Station.

4 Thereafter, on 31st March, 2018 at about 5 p.m. Vasant Temgire had lodged a report at the police station at the police station and had informed the police about the incident dated 29/3/2018. On the basis of the statement of Vasant Temgire Crime No. 120 of 2018 is registered at Manchar Police station.

5 This is a case of cross-complaint. It appears that there are civil disputes between both the groups and more than five person are injured of both sides. This Court had perused the injury certificate of the injured in Crime No. 119 of 2018 as well as in Crime No. 120 of 2018. It appears that accused in Crime No. 119 of 2018 were assaulted with swords and had reached the residential house of the present applicants/co-accused. They were armed with sword.

6 The learned Counsel for the applicants vehemently submits that there was a sudden and grave provocation and in order to defend themselves, the present applicants had retaliated.

7 Taking into consideration the facts of the case and the papers of investigation in both the offences, this Court is of the opinion that the applicants deserve pre-arrest bail.

8 However, the above observations are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for the purpose of quashing of FIR, discharge application or at the time trial.

9 Hence, following order is passed :

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ORDER

- (i) The applications are allowed.
 - (ii) In the event of arrest in Crime No 120 of 2018, registered with Manchar Police Station, the applicants be enlarged on furnishing P.R. Bond in the sum of Rs. 20,000/- each with one or more solvent sureties in the like amount.
 - (iii) The applicants shall report to the police station as and when called and cooperate with the investigating agency to the best of their capacity.
 - (iv) The applicants shall not tamper with the evidence.
- 10 Both the applications are disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]