

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

ANTICIPATORY BAIL APPLICATION No. 1238 OF 2018

Sandip Pandurang Uttarde

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Vishal laxman Kolekar for Applicant

Mr. S.H. Yadav -APP

Ms. S.D. Nawghare, PSI, Junnar Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 26, 2018

P.C.

1. Heard. This application is filed under section 438 of the Criminal Procedure Code.
2. The Applicant herein is apprehending his arrest in Crime No. 118 of 2018 registered at Junnar Police Station for the offence punishable under section 307, 336, 323, 504, 506 of the Indian Penal Code.
3. It appears to be the case of cross complaints. On 19th May, 2018, one Sadashiv Uttarde was admitted in the hospital as he had sustained head injury. At the time of admission, history of assault was given. As the case being a

medico legal case, the statement of injured was recorded and he had disclosed that the present Applicant had filed a complaint against them for illegal construction in the Tahasil Office at Junnar. On 19th May, 2018 when he returned home, he saw the present Applicant on the road in front of his house. He had questioned the Applicant and, thereafter, the Applicant had assaulted the First Informant with an axe on his head. He was rushed to the hospital. He had sustained grievous injury. The First Informant was admitted in Pimpri Chinchwad Municipal Hospital.

4. The learned counsel for the Applicant submits that in fact, the present Applicant had lodged a report in respect of the said incident and on the basis of the said incident, Crime No. 117 of 2018 was registered and as a counter blast, Crime No. 118 of 2018 has been registered against him.

5. In reply, the Learned APP submits the complainant had sustained grievous injury and by the time he was taken to the hospital for medical aid, the Applicant rushed to the police station and lodged a report and it cannot be said that it is a cross complaint in Crime No. 117 of 2018.

6. The First Informant is almost 62 years' old. The injury was grievous. He was admitted in the Male Surgical Ward.

7. The learned APP, on verification, submits that the Applicant had no

criminal antecedents. It appears that there used to be intermittent quarrels in both the groups.

8. Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is of the opinion that the Applicant deserves to be enlarged on pre-arrest bail. The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) Anticipatory bail application is allowed.
 - (ii) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R. Bond of Rs.30,000/- and one or more sureties in the like amount.
 - (iii) The Applicant shall not reside within the jurisdiction of Junnar Police Station till filing of the charge-sheet.
- Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]