

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

ANTICIPATORY BAIL APPLICATION NO.1318 OF 2018

Ulhas Krishna Rane		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. A.S. Khandeparkar a/w Mr. Rajdeep D. Gude i/by Khandeparkar & Associates for the Applicant.

Mr. Y.Y. Dabke APP for the State.

Ms. Shital Balasaheb Patil, PSI, Kudal police station, Sindhudurg.

Coram : ***Smt. Sadhana S. Jadhav, J.***

Date : 6th 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.162 of 2018, registered at Kudal Police Station, District Sindhudurg, for the offences punishable under Sections 307, 327, 323, 325, 506, 143, 147, 148 and 149 of Indian Penal Code.

3 It is the case of the prosecution that on 7th June 2018 Prajyot Pradeep Naik, the complainant could not find his Dumper bearing registration No. MH-07 C-6987, which he used for supplying sand. He had parked the said vehicle in front of his house. He was informed by one of his friend Shoobham Naik that the Dumper has been taken away by one Bhau Rane and his associates. The complainant had therefore been to village Pavashi for enquiring with Bhau Rane, however, they were apprehended by Akshay Shelte and others and he was assaulted with wooden logs on his legs. Thereafter the complainant had been to Mitkyachiwadi, where he was again assaulted by Akshay Shelte and others. The applicant has not been named in the F.I.R. The statement of the complainant indicates the presence of Bhau Rane, Akshay Shelte and his associates.

4 Learned APP submits that video of the assault was taken and it is revealed that the applicant had actively participated. There is specific allegations that the associates had assaulted with fists and kicks blows.

5 Perused the papers of investigation, more particularly the injury certificate, which shows that there is fracture on the legs on the tibia. In any case, the applicant was not armed with weapon and had assaulted with fists and kicks blows. In view of this, the applicant deserves to be granted pre-arrest bail.

6 However, the 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. Hence, the following order is passed :

ORDER

- i) The application is allowed.
- ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall report to the concerned police station from 12th July 2018 to 15th July 2018 between 10.30 am. to 1.00 pm. and co-operate the investigating agency.

iv) The applicant shall not reside in village Pavashi till filing of the charge-sheet.

(*Smt. Sadhana S. Jadhav, J*)