

906- ABA 1360 of 2018  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION No. 1360 OF 2018**

**Vijay Damodar Akade and Ors.**

**...Applicants**

**Vs.**

**State of Maharashtra**

**...Respondent**

\*\*\*\*\*

Mr. Kedar J. Patil for Applicants

Mr. Prashant Jadhav -APP

Mr. E.T. Bhoir, PSI, Pimpalgaon Police Station, Nasik (R)

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**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATE: JULY 12, 2018**

**P.C.**

1. Heard. This is an application filed under section 438 of the Criminal Procedure Code.

2. The Applicants herein are apprehending their arrest in Crime No. 98 of 2018 registered at Pimpalgaon Baswant Police Station for the offences punishable under Section 307, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code

3. Heard the learned counsel for the Applicants. Perused the papers of

investigation. It is the case of the prosecution that on 19<sup>th</sup> June, 2018 , one Sandeep Bankar lodged a report at the police station alleging therein that he is an agriculturist. That Vijay Damodar Akade i.e. Applicant No.1 is his neighbor and he is the owner of Vijay Hind Beer Bar. That the Complainant was fed up due to the abuses and noise of the customers at the Applicants' bar. It is out of this disturbance and nuisance that there were complaints against each other and on 18<sup>th</sup> June, 2018, the Complainant and his family members were abused and thereafter, Bhushan Akade had assaulted the complainant on his head with an iron rod. Shantanu assaulted the Complainant with a knife. It appears that it is a case of cross complaint in respect of the said incident.

4. The learned counsel for the Applicants submits that in order to maintain peace and tranquility between the families of the Complainant and the Applicants, they have amicably arrived at settlement and decided to forgive each other in the said incident. That they have filed petition seeking quashing of FIR by consent.

5. In view of this, the Applicants deserve to be granted pre-arrest bail. The observations are restricted to application under section 438 of the Criminal Procedure Code 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:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each and one or more sureties in the like amount.

The application stands disposed of in the aforesaid terms.

**[SMT. SADHANA S. JADHAV, J.]**

Vaishali  
Anil  
Tikam

Digitally signed by  
Vaishali Anil Tikam  
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