

910- ABA 1364 of 2018

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

ANTICIPATORY BAIL APPLICATION No.1364 OF 2018

Shankar Baban Temgire and Ors.

...Applicants

Vs.

The State of Maharashtra

...Respondent

Mr. Sanjeev P. Kadam for Applicants

Mr. S.H. Yadav _APP

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

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 12, 2018

P.C.

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

2. The Applicants herein are apprehending their arrest in Crime No. 120 of 2018 registered at Manchar Police Station for the offences punishable under Section 452, 307, 326, 324, 323, 325, 143, 147, 148, 149, 427 of the Indian Penal Code read with Section 135 Maharashtra Police Act. The registration of the said FIR is the outcome of an incident in respect of which there has been a

cross complaint.

2. Applicant No.1 herein had approached the police station on 30th March, 2018 and had lodged a report to the police station, alleging therein that he was injured at the hands of the complainant and on the basis of his report, Crime No. 119 of 2018 is registered against the Complainant Vasant Temgire and others.

3. Perused the papers of investigation, more particularly, the medical certificates. The injury certificates in Crime No. 120 of 2018 indicate that all the injured had sustained simple injuries.

4. It is the case of the prosecution that on 31st March, 2018, Vasant Temgire had lodged a report to the police station alleging therein that they have agricultural lands adjacent to each other. That there is a dispute in respect of their lands. That civil suit is filed in the Court at Ghodegaon and the scheduled date of hearing was 29th March, 2018. That when the Applicant No.1 raised an objection that he should not cultivate the land and not harvest the onion crops, there was an altercation in which Shankar Temgire had assaulted him on his head with iron pipe.

5. The learned counsel for the Applicants submits that registration of Crime No. 120 of 2018 is only a counter blast to the Crime No. 118 of 2018. That Crime No. 120 of 2018 is registered on the next day. That all the family

members have been arraigned as an accused. In view of the facts of the case and the registration of the cross complaints of the same incident, the Applicants deserve to be enlarged on bail. Applicant No.1 was assaulted by the accused in Crime No. 119 of 2018. The observations are restricted to an 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) Anticipatory bail application is allowed.
- (ii) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R. Bond 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

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by Vaishali Anil
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