

911- ABA 1365 of 2018
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 1365 OF 2018

Mrs. Surekha Vinayak Chavan and Ors.

...Applicants

Vs.

State of Maharashtra

...Respondents

Mr. Paras Yadav for Applicants

Mr. S.S. Pednekar -APP

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. 209 of 2018 registered at Vadgaon Nimbalkar Police Station for the offences punishable under section 326, 323, 324, 427, 435, 447, 504, 506 r/w. 34 of the Indian Penal Code.

3. Perused the papers of investigation. It is the case of the prosecution that on 24th May, 2018, Kavita Khalate lodged a report at the police station alleging

therein that there are disputes between her family members and the family of the Applicants over the title of the Gat No. 176. That the names of the present Applicant No.1 and her four sisters were shown in the 7x12 extract of Gat No. 176, although the Complainant claims title over the said property and, therefore, they had approached the office of Sub-Divisional Officer, Baramati. On 24th May, 2018, the Applicants herein had allegedly assaulted the Complainant and her family members only to wreck vengeance.

4. It is pertinent to note that Applicant No.1 was admitted in the hospital on 24th May, 2018. She was hospitalized for five days and, therefore, could not lodge a report in respect of the said incident. After her discharge, she had lodged a report to the police station in respect of the said incident. On 29th May, 2018, on the basis of the statement of Applicant No.1, Crime No. 215 of 2018 is registered against the family members of the Applicants.

5. In the present case, the injury certificate shows that Vikrant had sustained two injuries on his left thigh and forehead which were simple in nature. However, the other accused had sustained simple injuries. Taking into consideration the aforesaid facts, the Applicants deserve to be granted pre-arrest bail. 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.

ORDER

- (i) 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.

Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]

Vaishali
Anil Tikam

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Vaishali Anil Tikam
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