

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

**ANTICIPATORY BAIL APPLICATION NO.1367 OF 2018
WITH
CRIMINAL APPLICATION NO.931 OF 2018**

Samadhan Narayan Kolhe and Ors. ... Applicants

Vs

The State of Maharashtra ... Respondents

...

Mr. V.V.Purwant for the Applicants in ABA No.1367/18.

Mr. Rajesh S. Jadhav for Intervenor in APPP 931/2018.

Mr. A.D.Khamkhedkar, APP for the State.

CORAM : SANDEEP K. SHINDE J.

DATE : 19 DECEMBER, 2018

P.C. :

The Applicants seek pre-arrest bail in Crime No.246 of 2018 registered with Tembhurni Police Station for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 and 506 of the IPC.

2 Heard the learned counsel for the Applicants and the learned APP for the State. Heard the complainant in Intervention Application No.931 of 2018.

3 Interim protection was granted to the Applicant on 12th July, 2018.

4 The alleged incident had taken place on 3rd June, 2018 whereas the complaint has been lodged on 7th June, 2018. The learned APP has placed on record injury certificate of the Complainant dated 14th June, 2018. It shows that the Complainant was examined on 3rd June, 2018 and had sustained two simple injuries on shoulder and knee. The complaint discloses that there were disputes and enmity between the complainant and the applicants, which is evident and obvious from the incident recorded in FIR dated 9.5.2018 registered against the complainant by the applicant no.1, herein. Though it is alleged that the complainant was assaulted with plumbing pipe and the iron rod, corresponding injuries shown in the medico-legal certificate of Ashwini Hospital does not support this allegation.

5 The learned counsel appearing for the Intervenor submitted that during the pendency of this application, one more offence has been registered against the applicant no.1 with the same police station vide FIR No.346 of 2018 punishable under Sections 323, 324, 504 and 506 of the IPC. He, therefore, submitted that even after granting interim protection, the applicant no.1 has committed another offence and he deserves no protection in the subject crime.

6 I have gone through the complaint dated 7.6.2018 and the complaint dated 9.5.2018. It discloses disputes between the parties. The medico-legal certificate placed on record, prima-facie does not support the allegations made in the complaint in-as-much as the Complainant had received simple injuries whereas offence has been registered under Section 307 of the IPC. Be that as it may though the complainant was examined on 3.6.2018, FIR was lodged on 7.6.2018. The fact cannot be ignored that there was complaint by the applicant in earlier point of time against the complainant.

7 Thus, taking into consideration facts as aforesaid, the Application is allowed.

(I) In the event of arrest, each of the applicants be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- with one ore more sureties in the like amount.

(II) Applicant No.1 is directed to attend the concerned police station twice in a month on each Monday between 11 to 12 a.m. for the next three months.

(III) Application and the intervention application are disposed of.

(SANDEEP K. SHINDE, J.)