

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1471 OF 2018

Mithun Jaichand Dubhashe.

.. Applicant.

V/s.

The State of Maharashtra.

.. Respondent.

Mr. Aniket U. Nikam I/b. Mr. Aashish Satpute, advocate for applicant.

Ms. Veera Shinde, APP for State.

Mr. Vilas A. Ghisadi, PSI, Ghoti Police Station.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 25, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and Learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 34 of 2018 registered at Ghoti Police Station, Nashik for offence punishable under section 307, 326, 143, 147, 149, 427, 323, 504, 506 of the Indian Penal Code and under section 37(1)(3), 135 of Bombay Police Act.

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3 It is the case of the prosecution that on 26/3/2018 Raju Ratan Langade lodged a report at the police station alleging that on 25/3/2018 he had been to Igatpuri fair alongwith Harischandra Langde, Laxman Suresh Bhagade, Changdev Langde and Anil Langde. When they were returning home, they were apprehended by the present applicant and 5 others. The complainant and his associates were brutally assaulted by the accused persons with sickles and sticks. According to him, the motive for assault was that there was an altercation two years ago at the time of Dasera. As far as the present applicant is concerned, it is alleged that the present applicant had assaulted Harischandra Langade with wooden log and the complainant Raju Langade with knife and Laxman Langade also.

4 Perused the injury certificate. Raju Langade had sustained contused lacerated wound on chest. It is simple in nature and caused by hard and blunt object. The injury certificate of Harischandra shows that he had sustained contused lacerated wound on occipital region which are simple in nature. Only Laxman had sustained fracture on his right forearm, which is grievous in nature and said to be caused by hard and blunt object.

5 Taking into consideration the papers of investigation which

are uncorroborated by the injury certificate, the applicant who happens to be public servant deserves to be granted pre-arrest bail. The other co-accused shall not claim parity with the present applicant.

6 The observations are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not be considered for discharge application or quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) In the event of arrest in Crime No. 34 of 2108 registered at Ghoti Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) The applicant shall report to the police station as and when called by the Investigating Officer and cooperate with the investigating officer to the best of his capacity.

(iii) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

Aruna
Sandeep
Talwalkar

Digitally signed by
Aruna Sandeep
Talwalkar
Date: 2018.07.27
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[SMT. SADHANA S. JADHAV, J.]

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