

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1506 OF 2018

1 Omkar Kacharu Sanap.
2 Kalu Onkar Sanap.
3 Sahebrao Onkar Sanap.
4 Mirabai Kalu Sanap. ..Applicants.

V/s.

The State of Maharashtra. ..Respondent.

Mr. Chetab Subhash Damre, advocate for applicants.

Mr. S.H. Yadav, APP for State.

Mr. R.V. Pawar, HC, Nandgaon Police Station.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 30, 2018.

P. C. :

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1908. The applicants herein are apprehending their arrest in Crime No. 127 of 2018 registered at Nandgaon Police station for offence punishable under section 326, 324, 323, 504, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that the present applicants and the complainant namely, Ananda Shankar Sanap happen to be

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close relative. The applicant No. 1 herein happens to be the paternal uncle of the complainant. Whereas the applicant Nos. 2 and 3 are the sons of applicant No. 1 and applicant No. 4 happens to be the wife of applicant No. 2. It appears from the first information report and the papers of investigation that there were disputes between both the families over demarcation of their agricultural land. On 11/7/2018, when the complainant was in the process of cultivation, he was restrained by the present applicants. There was an altercation, which took violent turn and the applicants had allegedly assaulted the complainant and his family members.

4 This happens to be a case of cross-complaint. In respect of the same incident, the applicant no. 2 has lodged a report at the police station on the basis of which Crime No. 128 of 2018 is registered for offence punishable under section 143, 147, 324, 323, 504, 506, 427 of the Indian Penal Code. It is alleged in the said complaint that the applicant No. 1 herein had lodged report with the Tahasildar, Nandgaon in respect of the altercation on the earlier occasions between the applicants and himself over the demarcation of their agricultural lands.

5 In view of the facts stated hereinabove, the applicants deserve pre-arrest bail.

6 The observations are prima facie in nature and restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration for discharge application, for quashing of FIR or at the time of trial.

7 Hence, following order is passed :

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ORDER

- (i) The application is allowed.
 - (ii) In the event of arrest in Crime No. 127 of 2018 registered at Nandgaon Police Station, Nashik, the applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 20,000/- each with one or more sureties in the like amount.
 - (iii) The applicants shall report to the concerned police station on 5/8/2018 and 6/8/2018 between 10.30 a.m. to 1.00 p.m. and cooperate with the investigating agency to the best of their capacity.
 - (iv) The applicants shall not tamper with the evidence.
- 8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna
Sandeep
Talwalkar

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by Aruna Sandeep
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