

912- ABA 1579 of 2018

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

ANTICIPATORY BAIL APPLICATION No. 1579 OF 2018

Sharad Dasharath Bhujbal

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Jayant Gohil for Applicant

Mr. Vinod Charge-APP

Mr. S.V. Dukane, Havildar, Shikrapur Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: AUGUST 8, 2018

P.C.

1. Heard. This is an application under section 438 of the Criminal Procedure Code.
2. The Applicant herein is apprehending his arrest in Crime No. 380 of 2018 registered at Shikrapur Police Station, Pune.
3. It is the case of the prosecution that one Nanda Korade, happens to be the sister of Nana Shinde and Anil Shinde. That they were all living in close

proximity. There used to be intermittent quarrels between the brothers and sister. That on 3rd July, 2018, Ganesh Korade, son of Nanda lodged a report at the police station alleging therein that his two maternal uncles used to intermittently quarrel with his mother. On the day of incident also there was a quarrel. The Applicant herein happens to be a friend of Nana Shinde. He had intervened to pacify between the brothers and sisters. However, they did not pay any heed to him. On 3rd of July, 2018, in the morning at about 7.30 a.m. Nana Shinde had inquired with his son as to why the complainant lodged the report, on the basis of which a non-cognizable case was registered against him. The quarrel had taken violent turn. Both the brothers had assaulted Nanda on her head. Therefore, she had gone to the house of the Applicant, requested him to intervene. However, since he was humiliated on the earlier occasion, he refused to intervene. There was a verbal altercation. Meanwhile, it is alleged that the Applicant had assaulted Nanda with butt end of the axe and she had sustained injuries. On the basis of the said report, Crime No. 380 of 2018 was registered.

4. Perused the papers of investigation. The injury certificate of Nanda shows that she had sustained simple injury. She had sustained two contused lacerated wound injuries on the occipital region. One of the injury was

described as grievous. In any case, it is not a case of the prosecution that the Applicant had assaulted Nanda on her head.

5. Taking into consideration, the nature of incident and the role attributed to the present Applicant, this Court is of the opinion that the Applicant deserves to be granted anticipatory bail.

6. It is observed that the observations are restricted to an application under section 438 of Cr.P.C. and shall not be considered for the purpose of quashing the FIR, discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R. Bond of Rs.25,000/- and one or more sureties in the like amount.
- (ii) The Applicant shall report to the concerned police station on 13th, 14th, 16th of August, 2018 between 10.30 a.m. to 1.00 p.m. and co-operate with the investigating agency.

Application is allowed in the aforesaid terms and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]