

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1581 OF 2018

1 Tanaji Shastri Sabale.
2 Manisha Tanaji Sabale.
3 Sakhubai Shastri Sabale. ..Applicants.

V/s.

State of Maharashtra ..Respondent.

Mr. Prashant Subhash Hagare, advocate for applicants.

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

Mr. Balasaheb S. Kale, Police Naik, Valchand Nagar Police Station.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 8, 2018.

P. C. :

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

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 206 of 2018 registered at Walchandnagar Police Station for offence punishable under section 394 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that one Shital Sabale lodged a report at the police station alleging therein that on 24/6/2018 she had been to the house of her paternal aunt as some construction was in

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progress. The present applicants had been to the spot and had asked the labourers to stop the work forthwith. In the course, the complainant was dragged by applicant No. 2. It is alleged against the applicant No. 3 that she had attempted to drag the complainant by her legs and she had been assaulted by the applicant Nos. 1 and 2. It is alleged that the applicant No. 3 who is aged about 75 years old had snatched the mangalsutra from the neck of the complainant and has also snatched the cell phone. The valuation of the mangalsutra is Rs. 13,000/- and that of the cell phone is Rs. 3000/-.

4 The learned Counsel for the applicants submits that the applicant No. 3 is about 75 years old. In view of this, all the applicants deserve to be granted pre-arrest bail.

5 Learned APP submits that cell phone and the mangalsutra is yet to be recovered and therefore, custodial interrogation is imperative.

6 Taking into consideration the manner in which the incident had occurred and the allegations principally levelled against the applicant, who is aged about 75 years, the applicants deserve to be granted pre-arrest bail.

7 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 considered for discharge application, quashing of FIR or at the time of trial.

8 Hence, following order is passed :

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ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 206 of 2018 registered with Walchandnagar Police station, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or more solvent sureties in like amount.
- (iii) The applicant No. 1 shall report to the concerned Police station from 16/8/2018 to 20/8/2018 everyday and cooperate with the investigating agency to the best of his capacity.
- (iv) The applicants shall not tamper with the evidence.
- 9 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna
Sandeep
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