

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.108 of 2018, registered at Radhanagari Police Station, District Kolhapur, for the offences punishable under Sections 326, 324, 323, 504, 506 and 307 read with 34 of Indian Penal Code.

3 It is the case of the prosecution that the complainant Sachin Prabhakar Sadlage lodged a report at the police station alleging therein that he has a Grocery shop as well as Jewellery shop. That Tanaji Dnyandev Khot happens to be his neighbour. The complainant had permitted Tanaji to use 2 square feet open space for the past 17 years and since then the family members of Tanaji had a grudge against him. That on the day of the incident at about 9.00 am., he had called the complainant and his brother to his house for discussion. Thereafter he had informed the complainant that his house is being constructed, due to which some water used to flow from nearby house and informed him to complete the construction as early as possible. Thereafter there was an altercation between them and accused persons had mounted assault on the complainant with sticks. It is alleged that the present applicant had also participated in the said altercation and had assaulted the complainant with fist and kick blows.

4 Learned APP, upon instructions, submits that Tanaji Dnyandev Khot, Tushar Tanaji Khot and Pranav Patil have been arrested. Taking into consideration the role attributed to the present applicant, the applicant deserves pre-arrest bail.

5 The observations are restricted to an application under Section 438 of the Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order:

ORDER

- i) The application is allowed.
- ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall report to the concerned police station as and when called and co-operate the investigating agency.

(*Smt. Sadhana S. Jadhav, J*)