

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

ANTICIPATORY BAIL APPLICATION NO.1628 OF 2018

Ganpat Murlidhar Thengal and ors. ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr.Nitesh Mohite with Mr. Jaydeep D.Mane for the Applicants.
Mr.S.H.Yadav, APP for the Respondent/State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : SEPTEMBER 18, 2018.

P.C.:

1. This is an application under Section 438 of Cr.P.C. filed by the aforesaid applicants apprehending their arrest in Crime No.198 of 2018 registered with Tembhurni Police Station for the offences punishable under Sections 326, 323, 504 r/w 34 of IPC.

2. Heard Mr.Nitesh Mohite, learned counsel for the applicants and Mr.S.H.Yadav, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first

information report lodged by one Bandu Shingade. The first information report prima facie reveals that on 23rd April, 2018 at about 11.00 a.m. the applicants-accused went to the paddy field of the first informant and they assaulted him with sticks and koyta (sickle). The injury certificate prima facie reveals that the first informant had sustained CLW over scalp which is stated to be a simple injury.

4. It is to be noted that the applicants were granted interim bail and directed to report to the concerned Investigating Officer. The applicants have complied with the said condition and their presence is not required for investigation, also much less custody interrogation.

5. It is also to be noted that Vaishali Kantilal Thengal who is the wife of the co-accused Kanitlal had also lodged the FIR against the first informant-Bandu and others for assaulting her and her family members. It is stated that the crime is also registered against the first informant pursuant to the FIR lodged by Vaishali Kantilal Thengal. The record thus prima facie

indicates that there was a quarrel between two groups and both parties were involved in assaulting each other.

6. Considering the above facts, so also the nature of the allegations, in my considered view, this is a fit case to grant pre-arrest bail. Hence, the following order:-

ORDER

- (a) Anticipatory Bail Application is allowed.
- (b) In the event of arrest of the applicants in C.R.No.198 of 2018, they shall be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees Twenty Five Thousand) each with one or two solvent sureties in the like amount.
- (c) The applicants shall furnish their permanent and temporary address, if any, and their contact details to the Investigating Officer.
- (d) The applicants shall not change their residential address without prior intimation to the Investigating Officer.
- (e) The applicants shall not interfere with the witnesses or tamper with evidence in any manner.

(SMT. ANUJA PRABHUDESSAI,J.)