

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

ANTICIPATORY BAIL APPLICATION NO.1667 OF 2018

Vishal Shankar Khalate & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr. Rahul S. Kate for the Applicants.

Ms Pallavi N. Dabholkar, APP for the Respondent-State.

Mr. V.B. Kadam, Police Naik Vadgaon-Nimbalkar Police Station,
present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd SEPTEMBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in Crime No.281 of 2018 registered with Vadgaon Nimbalkar Police Station, District-Pune for the offences punishable under Sections 307, 504 and 506 r/w. 34 of the IPC.

2. Heard Mr. Rahul Kate, the learned counsel for the Applicants and Ms Pallavi N. Dabholkar, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime came to be registered pursuant to the FIR lodged by Shivaji Bichkule. A perusal of the said FIR prima facie reveals that there was dispute between the first informant and the Applicant No.3-Shankar Genba Khalate. On 9th July, 2018 said Shankar had abused and threatened him. Thereafter the first informant and his wife went to question the Applicant No.3 about the said incident. It is alleged that the Applicant No.3 called his nephews i.e. Applicant No.1-Vishal and Applicant No.2-Vaibhav and that they assaulted the first informant and his wife by means of iron pipe and sticks. The Applicants are also alleged to have assaulted other family members of the first informant, who had come to their rescue.

4. The records reveal that on the same date Shankar-the Applicant No.3 had also lodged the FIR against the first informant Shivaji Bichkule, his wife and others being Crime No.280 of 2018. In the said FIR he had alleged that the first informant and others had assaulted him and his family members by means of sticks and other weapons. The records prima facie reveal that members of both the groups have sustained injuries.

5. Considering the above facts and also considering the nature of injuries sustained by the first informant and his family members, in my considered view this is not a case, which would justify custodial interrogation. Hence, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.281 of 2018 registered with Vadgaon Nimbalkar Police Station, District-Pune, the Applicants be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two sureties in the like amount to the satisfaction of the concerned Investigation Officer.
- (ii) The Applicants shall report to the concerned Police Station for a period of seven days from Friday i.e. 7.9.2018 between 2.00 p.m. to 5.00 p.m. and further as and when required by the Investigation Officer.
- (iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned Investigation Officer.
- (iv) The Applicants shall not change their residential addresses without prior intimation to the concerned Investigation Officer.

- (v) The Applicants shall not interfere with the first informant or his family members and other witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
Parab

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by Megha
Shridhar Parab
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