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

ANTICIPATORY BAIL APPLICATION NO.1664 OF 2017

Anil Santosh Jadhav	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.A.K.Rajput i/b Mr.Amit Nalavade, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

PSI-V.N.Dandavate, Parksite Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th APRIL, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 261 of 2017 registered with the Parksite Police Station, Mumbai, for the alleged offences punishable under Sections 326, 141, 144, 147, 148, 149 & 143 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that no offence as alleged under Section 326 is disclosed, qua any of the accused. He submitted that with respect to the incident dated 09.07.2017, there is a cross case which is registered vide C. R. No. 260 of 2017 by the Applicant's brother for the alleged offences punishable under Sections 324, 295 etc. of the Indian Penal Code. He submits that in the said incident, the Applicant's brother – Nakul Jadhav as well as one Bhaskar Pawar have received injuries.

4. Learned APP has tendered the Injury Certificates of Parvez Shaikh and Kadar Shaikh who have been injured in the present C. R. A perusal of the Injury Certificate shows that both, Parvez Shaikh and Kadar Shaikh have received simple injuries.

5. Perused the papers. With respect to the incident dated 9th July, 2017, there is a cross case, which is registered by the applicant's side vide C.R. No.260 of 2017, alleging offences punishable under Sections 324, 295 etc. of the Indian Penal Code. It appears that in the said incident the applicant's brother-Nakul, as well as one Bhaskar Pawar, had also received

injuries. A perusal of the injury certificate of Parvez Shaikh and Kader Shaikh, who have been injured in the present C.R. i.e. C.R.No.261 of 2017, shows that both Parvez Shaikh and Kader Shaikh, have received simple injuries. Hence, *prima facie*, it is doubtful, whether an offence under Section 326 of the Indian Penal Code is disclosed, in the facts of the case.

6. Considering the aforesaid, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount ;
- (ii) The Applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet;
- (iii) The Applicant shall not contact the complainant, witnesses or

any person concerned with the case.

(iv) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the Investigating Officer of the concerned Police Station, in writing.

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

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)