

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

BAIL APPLICATION NO. 2567 OF 2018

1. Ganesh Laxman Kalwar
2. Devidas Laxman Kalwar
3. Karan Anna Kadnor
4. Shausaheb Gangadhar Nemnar ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Ms. Swapna Kode for the Applicant.
Mr. S.R. Agarkar, APP for the State.
Mr. A.S.Fulsali, Police Constable, Chandwad Police Stn., present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 19, 2018.**

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicants, who have been arrested in Crime No. I-143 of 2018 registered at Chandwad Police Station, Nashik for offences under Section 332, 353, 506, 504 r/w. 34 of the Indian Penal Code.
2. Heard Ms. Kode, the learned Counsel for the applicants and Shri Agarkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned

Counsel for the respective parties.

3. The records prima facie reveal that the aforesaid crime was registered pursuant to the FIR lodged by Ishwar Vishwanath Patil, driver of Bus No. MH 40 N 9914 (BEST); an autonomous State owned enterprise. The first informant has alleged that on 2nd September, 2018 the applicant no.1 Ganesh, who was the driver of tanker No. MH 18 BM 518 stopped the bus, abused him and caught hold of his T Shirt, and thereafter called the other co-accused i.e. the applicant nos.2, 3 and 4, and that they assaulted him with kicks and blows.

4. The records reveal that the injuries sustained by the first informant are simple in nature. The applicants were arrested on 2nd September, 2018 and are presently in Magisterial custody. The learned APP concedes that the applicants have already been interrogated and their presence is no longer required for the purpose of interrogation and investigation.

5. The nature of the offence alleged to have been committed by the applicants, in my considered view, does not justify further custody. Furthermore, the applicants are permanent residents of

Dehgaon, and there are no chances of the applicants absconding or thwarting the course of justice. The applicants have no criminal antecedents. Hence, the application is allowed on the following terms and conditions:-

- (i) The applicants abovenamed who have been arrested in Crime No. I-143 of 2018 registered at Chandwad Police Station, Nashik are ordered to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two solvent sureties in the like amount;
- (ii) The applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer and in the bail bond;
- (iii) The applicants shall not change their residential address without prior intimation to the Investigation Officer;
- (iv) The applicants shall not interfere with the witnesses or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)