

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

ANTICIPATORY BAIL APPLICATION NO.2069 OF 2018

1. Mayur Uttam Bahule
2. Sahil Ramesh Bahule
3. Sandesh Suryakant Bahule
4. Sagar Ramesh Bahule
5. Pradip Suryakant Bahule ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Nitin P. Deshpande for the Applicant.

Mr. S.R.Agarkar, APP for the State.

Mr. N.M.Rane, Police Naik, Loni kalbhor Police Stn., Pune Rural
present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 06, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicants apprehending their arrest in C.R.No. 580 of 2018 registered with Loni Kalbhor Police Station, Pune for offences under Section 143, 147, 149, 323, 324, 341, 387, 504, 506 of Indian Penal Code, 1860 and Section 37(1)(3) of Mumbai Police Act, 1951.

2. Heard Mr. Deshpande, 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 aforesaid crime is registered pursuant to the FIR lodged by Laxman Babasing Pardeshi. A perusal of the said FIR prima facie reveals that the first informant had purchased land admeasuring 18 R from Survey No. 223/1 Village Urali Devachi. The learned Counsel for the applicants submits that the applicants own adjoining land admeasuring 223/1/2 and there appears to be a boundary dispute between them. The first information report claims that the applicants had demanded Rs.10 lakhs for settling the said property dispute.

4. It is to be noted that though the first informant has stated that the applicants had been constantly demanding Rs.10 lakhs for the purpose of settling the property dispute, he had not lodged any complaint against them for committing the offence of extortion.

5. It is alleged that on 30th August, 2018 at about 7.45 p.m. the applicants had abused and threatened the first informant and had assaulted him by a leather belt. The leather belt which was allegedly

used to assault the first informant is not a dangerous weapon or a weapon of nature specified in Section 324 IPC. The medical certificate prima facie reveals that the injuries sustained by the first informant are simple in nature.

6. Considering the above facts and circumstances, in my considered view this is not a case which warrants custodial interrogation. The applicants have no criminal antecedents and are permanent residents of Urali Devachi, and there are no chances of the applicants absconding or thwarting the course of justice.

7. Hence, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the aforesaid applicants in Crime No. 580 of 2018 registered with Loni Kalbhor Police Station, Pune, the applicants 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 report to the Investigating Officer for four days from 11th October, 2018, and further as and when required by the Investigating Officer for the purpose of investigation and

interrogation.

(iii) The applicants shall provide their permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The applicants shall not change their residential address without prior intimation to the Investigation Officer.

(v) The applicants shall not interfere with the complainant and the other witnesses in any manner.

Digitally
signed by
Prasanna
Pradeep
Salgaonkar
Date:
2018.10.09
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Prasanna
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(ANUJA PRABHUDESSAI, J.)