

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

ANTICIPATORY BAIL APPLICATION NO. 2150 OF 2018

1. Dadaso Jaising Dhole

2. Vishal Balaso Dhole

....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Rupesh A. Zade for the applicants.

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

Mr. Vasant S. Waghole, Police Constable, Walchand Nagar Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 17th OCTOBER, 2018.

P.C.:

. This is an application for anticipatory bail under section 438 of Criminal Procedure Code, filed by the aforesaid applicants, apprehending their arrest in C.R.No.304/2018 registered with Walchandnagar Police Station, District Pune for offences punishable under sections 143, 147, 148, 323, 324, 354(b), 427, 452, 504, 506 r/w. 149 of the Indian Penal Code.

2. Heard Mr. Rupesh Zade, learned counsel for the applicant and Ms. Pallavi N. Dabholkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. Mr. Rupesh Zade, learned counsel for the applicant, under instructions, submits that he does not wish to press this application on behalf of applicant nos.1 to 4 and that he is restricting the application as against the applicant nos.5 and 6. He seeks leave to amend the application so as to delete the applicant nos.1 to 4. Leave is granted. Amendment to be carried out forthwith.

4. The aforesaid crime was registered pursuant to the first information report lodged by Shantabai Balaso Sangle. A perusal of the first information report prima facie reveals that on 23/09/2018, there was some altercation between Sagar, the son of the first informant and Vibhishan Jaising Dhole. The first informant had stated that on 25/09/2018, said Vibhishan Dhole, Sachin Dhole, Hanumant Dhole and Ashok Dhole came to her house. She has stated that Vibhishan and Sachin were armed with iron pipes. She has alleged that said Sachin and Vibhishan assaulted her and her husband by means of said iron pipes. She has further stated that thereafter all the four applicants damaged their car and motor cycles and had further threatened to set the house on fire.

5. It is to be noted that the names of these two applicants are not

reflected in the first information report. They were implicated only on the basis of the supplementary statement which was recorded on 29/09/2018.

6. Considering the above facts and circumstances, in my considered view, these two applicants are entitled for pre-arrest bail. Furthermore, the applicants are permanent residents of the State and there are no chances of the applicants absconding and/or thwarting the course of justice. They have no criminal antecedents. Hence, the Application is allowed on following terms and conditions :-

(a) In the event of arrest of the applicants in C.R.No.304/2018 registered with Walchandnagar Police Station, District Pune, 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, to the satisfaction of the Investigation Officer.

(b) The applicant shall report to the Investigation Officer for a period of four days from 29/10/2018 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigation Officer for the purpose of interrogation/investigation.

(c) The applicants shall furnish their permanent and temporary address, if any, and their contact details to the Investigation Officer.

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

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

(SMT. ANUJA PRABHUDESSAI, J.)