

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

ANTICIPATORY BAIL APPLICATION NO.2220 OF 2018

1. Chandrakant Sudhamrao Nagavkar
2. Sidharam Rajaram Bhamnekar
3. Avinash Vasant Kamble
4. Manohar Thawardas Chawla

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Mohnish Thorat for the Applicants.

Mrs. J.S. Lohokare, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No.163 of 2017 registered with Gandhinagar Police Station, District-Kolhapur, for offences punishable under Sections 323, 342, 353 and 504 r/w 34 of the Indian Penal Code, 1860.

2. Heard Mr. Mohnish Thorat, the learned counsel for the Applicants and Mrs. J.S. Lohokare, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The afroesaid crime was registered pursuant to the FIR lodged by one Arun Madhukar Aavghade, who is working as a peon in Gandhinagar Gram Panchayat. The first informant has claimed that on 22.9.2017 at about 11.30 a.m. the Applicants entered Gram Panchayat office and that they assaulted him by kicks and blows.

4. It appears that there is some dispute between the Applicants and the Gramsevak over allotment of land as well as implementation of rehabilitation order of the competent authority. Nature of the allegations levelled in the FIR would not justify custodial interrogation.

5. The learned APP has submitted that the investigation is concluded and charge sheet is ready and would be filed within a period of two weeks. She further submits that presence of the Applicants is not required for the purpose of interrogation.

6. Considering the above facts and circumstances, in my considered view the Applicants are entitled for pre-arrest bail. Hence, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.163 of 2017 registered with Gandhinagar Police Station, District-Kolhapur, the Applicants shall be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two solvent sureties in the like amount.
- (ii) The Applicants shall report to the Gandhinagar Police Station as and when required and called 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 police station.
- (iv) The Applicants shall not change their residential addresses without prior intimation to the concerned investigation officer.

(SMT. ANUJA PRABHUDESSAI, J.)