

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2070 OF 2017**

1)	Sagar Sampat Yadav	)	
2)	Sanjay Dadaso Yadav	)	
3)	Kiran Mohan Yadav	)	
4)	Akash Prakash Vaghole	)	
5)	Raju @ Rajendra Vilas Bankar	)..	Applicants
	Versus		
	The State of Maharashtra		Respondent

Mr. Aniket U. Nikam i/b. Mr. Aashish Satpute, for the applicants.
Mr. S. H. Yadav, APP, for the State.
Mr. V. D. Mutamwar, Havildar, Jejuri Police Station, present.

**CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 8th February, 2018.**

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C. The applicants herein are apprehending their arrest in C.R. No. 283 of 2017 registered at Jejuri police Station, Dist. Pune for the offences punishable under Sections 143, 147, 149, 452, 354, 427, 323, 504, 506 of the Indian Penal Code.
2. It is the case of the prosecution that on 30.9.2017, there was a quarrel at Village Malshiras between the applicants and other unknown

persons. The applicants herein are alleged to have intervened. On the next day i.e. 1.10.2017, the applicants along with other unknown persons have entered the house of the complainant and had assaulted the first informant and her husband with a spade and a plastic rubber. Their niece had intervened to rescue the complainant and her husband and at that time, there was a scuffle between both the groups. The clothes of the niece were torn in the said scuffle and the applicants had caused damage to the household articles. On the basis of the said report, Crime No.283 of 2017 is registered.

3. It is seen from the report that the applicant Nos. 1, 2 and 5 are having criminal antecedents since they are accused in Crime No.45 of 2015 registered at Jejuri Police Station for the offences punishable under Sections 395, 397 of the Indian Penal Code. Similarly, the applicant No.4 is also an accused in Crime No.39 of 2016 for the offences punishable under Sections 325 and 326 of the Indian Penal Code, whereas no offences are registered against the applicant No.4. In view of this, the application filed by applicant Nos. 1, 2 and 5 deserves to be rejected as they would not be entitled to discretionary relief under Section 438 of Cr.P.C.

4. Upon considering the papers of investigation, this Court is of

the opinion that the applicant Nos. 3 and 4 deserve to be protected by grant of pre-arrest bail.

ORDER

- (i) The application is partly allowed.
- (ii) The application of applicant Nos. 1 – Sagar Sampat Yadav, applicant No.2 – Sanjay Dadaso Yadav and applicant No.5 – Raju @ Rajendra Vilas Bankar is rejected.
- (iii) The application of applicant No.3 – Kiran Mohan Yadav and applicant No.4 – Akash Prakash Vaghole is allowed. In the event of arrest of applicant Nos. 3 and 4, they be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each and one or more solvent sureties in the like amount.
- (iv) The applicant Nos. 3 and 4 shall report to the concerned police station on 1st and 3rd Sunday of each month between 10 a.m. to 12 noon till framing of charge.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)