

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 38 OF 2018***

Satish Vitthal Jadhav	Applicant
Versus	
The State of Maharashtra	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2131 OF 2017**

1. Ramchandra Santram More	)
2. Vijaya Ramchandra More	)..Applicants
vs.	
The State of Maharashtra	.. Respondent

Mr. Satyavrat Joshi for the applicants.
Mr. Narendra Sharma a/w Mr. G.S.Patil for orig. complainant.
Mr. S.H.Yadav, APP, for the State.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 31st January, 2018.***

P.C. :

1. These are the applications under Section 438 of Cr.P.C. The applicants are apprehending their arrest in Crime No.393 of 2017 registered at Bhujinj Police Station, Dist. Satara for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.
2. While granting interim relief to the applicants in Anticipatory

Bail Application No.2131 of 2017, Hon'ble Justice A.S.Gadkari, in the order dated 6.12.2017, had considered the merits of the matter after perusing the records of investigation. The age of the applicants was taken into consideration and it was held that owing to the age of the applicants, it would have been impossible to push Yogesh from a running car. The said applicants deserve to be granted pre-arrest bail for the reasons assigned in the said order dated 6.12.2017.

3. Upon perusal of the papers of investigation, it appears that prima facie, this is a case of accident, where there was a demand for damages. There is no cogent material to remotely indicate that Yogesh was pushed out of the running car. In view of the fact that the co-accused in Anticipatory Bail Application No.2131 of 2017 have been granted pre-arrest bail, the present applicant i.e. Anticipatory Bail Application No.38 of 2018 also deserves to be protected.

4. However, it is made clear that the observations are restricted to an application under Section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial or any civil proceedings.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/-each with one or more solvent sureties in the like amount.
- (iii) The applicant in Anticipatory Bail Application No. 38 of 2018 shall report to the concerned police station as and when called and co-operate with the investigating agency.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)