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

ANTICIPATORY BAIL APPLICATION NO.2375 OF 2018

Dipak Changdev Irkar & Ors.

..Applicants

Vs

The State of Maharashtra

..Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.2344 OF 2018

Balu Ranghnath Irkar

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. K.S. Patil I/b P.S. Hagare for Applicants in ABA 2375/2018.

Mr. P.A. Poli/b Pol Legal Juris for applicantin ABA 2344/2018.

Mr. Ajay Patil, APP for State in ABA 2375/2018.

Mr. S.S. Hulke, APP for State in ABA 2344/2018.

CORAM : A.S.GADKARI, J.

DATE : 22nd November 2018.

P.C.:

1] The applicants are apprehending arrest in CR No. 825 of 2018 dated 13.10.2018 registered with Karmala Police Station, District- Solapur under Sections 307, 326, 143, 147, 148, 149, 506 of the Indian Penal Code and under section 135 of the Maharashtra Police Act.

2] Heard the learned Counsel for the respective applicants and the learned APP. Perused the record.

3] The prosecution case in brief is that, due to earlier enmity over the sugarcane crop, the applicants along with other accused persons assaulted Shri Hiralal Ivare husband of the first informant on 13.10.2018 at about 7.00 a.m with sticks, stones and iron rod. It is alleged that, the applicant Dnyandev Irkar assaulted Hiralal Ivare with iron rod on his head.

4] Perusal of the medical certificate issued by the Sub-District Hospital, Karmala, District-Solapur indicates that, the injury received by Hiralal Ivare is abrasion on head on left parietal region and is simple in nature. The sections applied to the present crime i.e. 307 and 326 are misconceived and the offence as alleged at the most may fall within the ambit of section 324 of the Indian Penal Code.

5] In view of the above, the applicants can be granted interim relief by way of pre-arrest bail.

Hence the following Order:-

i] In the event of arrest in CR No. 825 of 2018 registered with the Karmala Police Station, District- Solapur, the applicants be released on bail on their furnishing PR bond in the sum of Rs.15,000/- each with one or two

local sureties in the like amount.

ii] Applicants shall attend the Investigating Officer from 28th November 2018 to 1st December 2018 between 11.00 a.m and 2.00 p.m and to join the process of investigation.

iii] Applicants shall attend the Investigating Officer as and when called for after receipt of notice in writing from the concerned Investigating Officer till submission of final report.

iv] Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Both Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)