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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2340 OF 2018**

1. Jotiram Krishna Jadhav
2. Shankar Bapu Jadhav
3. Vikram Yeshwant Jadhav
4. Shilpa Yeshwant Jadhav
5. Sandip Hanumant Bhosale
6. Vikram Hanumant Bhosale
7. Hanumant Jagannath Bhosale

.....Applicants

V/s.

The State of Maharashtra

.....Respondent

Mr. Harshad M. Inamdar advocate for the applicant
Mr. S. S. Hulke APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : JANUARY 9, 2019.****P.C.**

Bhimrao Pawar, cousin of brother of applicants expired way back and his widow Lalita, for an incident dated 20/04/2018, lodged the complaint on 27/04/2018 alleging that applicants assaulted her children and herself with the help of weapons.

2 In crime no. 108 of 2018 registered with Dahiwadi Police Station for offence punishable under sections 143, 147, 149, 324, 323, 354, 327, 504, 506, 306 and 511 of the Indian Penal Code, applicants are apprehending their arrest. Prior to the aforesaid incident, son of one of the applicant namely Omkar, on 20/04/2018 lodged a complaint against Lalita and her two sons Pratik and Pranil alleging offence under sections 306, 511 & 34 of the Indian Penal Code. In the aforesaid background, case for pre-arrest bail is sought to be made out.

3 The learned APP submits that there is a delay in lodging the F.I.R. on the part of the complainant for the reason that the statement was first recorded in Phaltan Shahar Police Station on 27/04/2018 as the complainant Lalita has consumed poison within the jurisdiction of said Police Station and the complaint thereafter was transferred for investigation to the Dahiwadi Police Station. According to him, there is sufficient material including that of statement of witnesses to infer the involvement of the applicants and as such, sought dismissal.

4 It is not in dispute that present applicants and the complainant are already before the Civil Court in Suit for partition.

5 In the aforesaid background of pendency of civil dispute between the parties, if the allegation in the F.I.R. are appreciated, there are no convincing reason for lodging belated F.I.R. on the part of the complainant. Apart from above, complaint lodged by Omkar, son of Shankar, one of the applicant before this Court is prior in point of time. In the aforesaid background, false implication cannot be ruled out. In view thereof, case for pre-arrest bail is made out. Hence, following order:

ORDER

(I) Application is allowed.

(II) In the event of arrest of applicants in crime no. 108 of 2018 registered with Dahiwadi Police Station, they be released on bail on furnishing P.R. bond in the sum of Rs. 10,000/- each with one surety in the like amount.

(III) Applicants shall attend the Investigating Officer as and when directed.

(IV) Applicants shall not influence or tamper with evidence.

6 Application stands disposed of.

[NITIN W. SAMBRE, J.]