

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

ANTICIPATORY BAIL APPLICATION NO.872 OF 2019

Sharad Namdeo Jagtap & Ors.	..	Applicants
Vs.		
State of Maharashtra	..	Respondent

Mr.Yashpal M.Thakur for the applicants.
Mr.A.R.Kapadnis, APP for respondent-State.

CORAM : P.N. DESHMUKH, J.
DATE : 11th April 2019

P.C.:

. Issue notice. Learned APP waives service for respondent-State. Heard learned counsel for applicants and learned APP.

2. It is submitted that applicants are inter se related. Complainant is real sister of applicant nos.1 and 2 while applicant nos.3 and 4 sons of applicant no.1. It is submitted that relations between applicants and their sisters were not cordial and with regards to family dispute over ancestral home since 1961 as during that period, applicants had issued legal notice to complainant which she replied and since then their relations were strained on this count. In this background, it is submitted that applicants are falsely involved and in fact they are granted bail by trial Court by interim directions which order, however, came to

be rejected on observing that applicants failed to abide by conditions imposed upon them to attend Investigating Officer. It is, therefore, submitted that application be allowed by imposing suitable conditions. Learned APP referred to impugned order and submitted that applicants failed to attend Investigating Officer and therefore, prays that application be rejected.

3. Perusal of report would reveal about strained relations between complainant and applicants who are in closed relations as stated aforesaid. It is found that in report, no name of applicant no.4 Shubham Jagtap is stated but he is attributed as one of assailants. There is no overt act attributed either to him or applicant no.3 so as to by what and which manner they assaulted complainant.

4. Similarly it is material to note that while granting interim protection, applicants were directed to attend Investigating Officer once in a week till filing of charge-sheet. Learned counsel for applicants submits that they were not properly guided and in fact misread order of trial Court, and thus had attended Investigating Officer only on one date. and therefore, their application was finally rejected. Submissions advanced as aforesaid substantiate paragraph 7 of the impugned order

wherein learned trial Court observed that though applicants were directed to attend Investigating Officer as aforesaid, they failed to produce any documentary evidence establishing compliance of said order and as such held that applicants had committed breach of condition and rejected application. Having considering aforesaid facts and as investigation is in progress, application is liable to be allowed as per order below :-

ORDER

- (i) In the event of arrest of applicants in C.R. No.475 of 2018 registered with Upnagar Police Station, Nashik for offences punishable under Sections 452, 323, 504, 506, 427 and 34 of IPC, they shall be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- each with one surety each in the like amount;
- (ii) While on bail, applicants shall mark their presence with investigating officer for a period of 8 days from 18th April 2019 to 25th April 2019 between 10 a.m. to 1.00 p.m. and thereafter as and when called till filing of charge-sheet and shall co-operate with investigation;
- (iii) Application is allowed in above terms.

P.N. DESHMUKH, J.