IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1468 OF 2018

Mahesh Bholenath Gaikwad … Applicant

Versus

The State of Maharashtra … Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 1469 OF 2018

Shivaji Ramchandra Tambare … Applicant

Versus

The State of Maharashtra … Respondent

Mr. Jaydeep D. Mane for Applicant in both the Applications.
Ms. S. S. Kaushik, APP for Respondent – State in both the Applications.
Mr. A. L. Patil, Head Constable, B.No.1286 of Kurduwadi Police Station, District Solapur present in Court.

CORAM : NITIN W. SAMBRE, J.
DATE : JANUARY 7, 2019.

P.C. :

. In Crime No. 241 of 2018 punishable under Sections 376, 452, 506 read with Section 34 of the Indian Penal Code, the Applicants are seeking pre-arrest bail.

2. The learned APP on instructions from the Investigating Officer submits that the custodial interrogation of the Applicants are not warranted. Apart from above, what is noticed is, Crime No. 242 of 2018 is registered against the family members of the complainant at the behest of wife of the Applicant - Mahesh Gaikwad for an offence punishable under Sections 354-B, 452, 327, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. Apart from above, the contents of the First Information Report if appreciated in the light of the medical evidence, the complainant has not suffered any injury so as to infer any resistance in the matter of offence in questions. Applicant Shivaji Tambare in this case is attributed role of providing transportation to the Applicant – Mahesh Gaikwad after the commission of crime. As such, there is no material on record so as to infer the direct involvement of the Applicants in the crime in question. In view of the above, following order is passed.

ORDER

(A) In the event of arrest in Crime No. 241 of 2018 punishable under Sections 376, 452, 506 read with Section 34 of the Indian Penal

Code, the Applicants be released on furnishing PR Bond of Rs. 25,000/- with two sureties each in the like amount.

(B) The Applicants shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.

(C) The Applicants shall attend the Investigating Officer on 21st, 24th , 26th January 2019 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

4. The Applicant – Mahesh Gaikwad, if directed by the Investigating Officer, shall ready and willing to undergo medical examination. Statement is accepted.

5. Both the Anticipatory Bail Applications stand disposed of accordingly.

(NITIN W. SAMBRE, J.)