

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

ANTICIPATORY BAIL APPLICATION NO. 1161 OF 2021

Sadashiv Mahadu Kudale. ... Applicant.

V/s.

State of Maharashtra. ... Respondent.

Mr. Aniket U. Nikam i/b. Mr. Aashish Satpute, advocate for applicant.

Ms. M.H. Mhatre, APP for State.

CORAM : SMT. SADHANA S. JADHAV

DATE : MAY 3, 2021.

(Through Video Conferencing)

PC.

1 Heard the learned Counsel for the applicant and the
learned APP for State.

2 This is an application under section 438 of the Code of
Criminal Procedure, 1973 for pre-arrest bail. The applicant herein is
apprehending his arrest in Crime No. 72 of 2021 registered at Paud
Police Station, Pune on 18/3/2021 for offence punishable under
section 307, 326, 504, 506 read with section 34 of the Indian Penal
Code.

3 It is the case of the prosecution that initially, there was a dispute amongst the first informant, Kudale and his brother. That on 18th March, 2021 Swapnil Kudale lodged a report at the police station alleging therein that his uncle Sadashiv Mahadu Kudale happens to be the real brother of the father of the first informant. There was a common way passing to their respective houses. There was a dispute over the said approach way. On 17th March, 2021 at about 10 a.m. the said dispute between both the families was resolved before the Village Dispute Resolution Committee. However, on 18th March, 2021 at about 11 a.m. when they were at home, his cousin Omkar Kudale who happens to be the son of the present applicant had raised a quarrel over the said approach way. There was a verbal altercation in which the present applicant had also abused the family of the first informant. In the meanwhile, the son of the applicant namely, Omkar had brought an axe from his house and had assaulted Ananda Mahadu Kudale and Sudhir Ananda Kudale with the said axe. Whereas the present applicant had assaulted his brother Sudhir with stick. The injured had sustained contused lacerated wounds.

4 Learned APP upon instructions submits that Omkar was

arrested. The statement of the injured Sudhir was recorded on 21/3/2021 in hospital. Learned APP has placed on record the opinion of the Doctor of the Department of Forensic Medicine and Toxicology, B.J. Govt. Medical College and Sassoon General Hospital Pune. Ananda had sustained one chop injury on his parietal temporal region, whereas Sudhir had sustained one contused lacerated wound on forehead. The forensic department had given an opinion that said injuries are possible by the impact of sharp aged weapon and also possible by the impact of hard and blunt side of the weapon.

5 Overt act is attributed to the son of the applicant Omkar is already in custody. In view of this, prima facie, custodial interrogation of the applicant would not be imperative.

6 Hence, the applicant deserves pre-arrest bail.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No.72 of 2021 registered at Paud Police Station, Pune, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more

solvent sureties in the like amount.

(iii) The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)