

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3166 OF 2022

1. Sanjay Vitoba Aasabe
2. Amar Aba Aasabe

...Applicants

V/s.

The State of Maharashtra

...Respondent

Mr. Jaydeep D. Mane, for the Applicants.

Ms. M.M. Deshmukh, APP, for the Respondent.

CORAM : N.R. BORKAR, J.

DATE : 30.11.2022.

PC. :

This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 750 of 2022 registered at the Mangalwedha Police Station for the offences punishable under Section 323, 353 read with 34 of the Indian Penal Code.

3. According to the prosecution, on the date of incident, which took place on 2nd October 2022, the complainant was working as Home guard and was assigned duty at Chokhamela Square, Mangalwedha. It is alleged that at about 10.00 p.m. the present applicants came there on

the motorcycle and parked their motorcycle in no-parking area. It is alleged that when the complainant told them not to park their motorcycle in no-parking area, they abused and manhandled him.

4. I have heard the learned counsel for the applicants and the learned APP for the respondent/State.

5. The learned counsel for the applicants submits that the applicants are agriculturist. It is submitted that there are no other criminal antecedents. It is further submitted that nothing is to be recovered at the instance of present applicants and therefore, their custodial interrogation is not necessary. It is submitted that the applicants may be released on anticipatory bail.

6. On the other hand, the learned APP for the respondent/State submits that the applicants had abused and manhandled the complainant, who was discharging his duty as Home-guard. It is submitted that considering the nature of offence, the applicants may not be released on anticipatory bail.

7. The incident is not premeditated. There appears to be no need of custodial interrogation as nothing is to be recovered at the instance of the applicants. Considering the facts and circumstances of

the case and as there are no criminal antecedents, I am inclined to release the applicants on anticipatory bail. In the result, the following order is passed:

ORDER

A] Bail Application is allowed.

B] In the event of arrest of the applicants in Crime No. 750 of 2022 registered at the Mangalwedha Police Station for the offences punishable under Section 323, 353 read with 34 of the Indian Penal Code, they shall be released on furnishing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

C] The applicants shall attend the concerned Police Station from 13/12/2022 to 16/12/2022 and thereafter, as and when called by the Investigating Officer and shall co-operate in the investigation.

[N.R.BORKAR, J.]