

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

ANTICIPATORY BAIL APPLICATION NO.1752 OF 2023

Shital Subhash Khade ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1753 OF 2023**

Prasad Shivaji Khade ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Ashish Sawant i/b. Mr. Tejas Jadhavar for the Applicant.

Ms A.A. Takalkar, APP for the Respondent -State.

Mr. F.H. Jadhavar, police constable, Vairag Police Station, Solapur,
present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd JULY, 2023.

P. C. :-

1. The Applicants seek pre-arrest bail in C.R. No. 293 of 2023 registered with Vairag Police Station, Solapur (rural), for the offences punishable under Sections 143, 147, 148, 149, 323, 307 and 504 of the IPC.

2. Heard Mr. Ashish Sawant, learned counsel for the

Applicants and Ms A.A. Takalkar, learned APP for the Respondent - State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Achut Late. A perusal of the FIR prima facie reveals that the relationship between the family of the First Informant and the Applicants herein is strained. It is alleged that on 11/05/2023 there was an altercation between the Applicants and others and the First Informant and his family members over obstruction of the access. It is alleged that the co-accused Ajinkya Subhash Khade assaulted the First Informant and his father by Koyta and the Applicant-Prasad Khade and others assaulted the First Informant, his father and his nephews -Sham and Ritesh by iron pipes. It is stated that the Applicant -Sheetal and others assaulted Mandakini, sister-in-law of the First Informant by kicks, blows and pipes.

4. The medical certificate prima facie reveals that the injuries sustained by the First Informant and the other witnesses are simple in nature. The material on record does not prima facie indicate that the Applicants herein were armed with dangerous weapons or that they

had inflicted any injury on the First Informant and his father. Considering these facts and circumstances and particularly the role attributed to the Applicants, in my considered view this is not a case which would justify custodial interrogation.

6. Under the circumstances, the applications are allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No. 293 of 2023 registered with Vairag Police Station, Solapur (rural), they shall be released on bail bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount;
- (ii) The Applicants shall report to the concerned Investigating Officer for a period of two days i.e. on 07/07/2023 and 08/07/2023 between 10.00 a.m. to 1.00 p.m. and thereafter as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

(iv) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

7. The Applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)