

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3188 OF 2022

1] Sahadev @ Sagar Kantilal Babar
2] Avinash Suresh Gaikwad
3] Nilesh Popat Londhe ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Ghansham Jadhav for the Applicants.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 10 JANUARY 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No.804 of 2022 registered at Indapur Police Station, for the offence punishable under Sections 324, 327, 504, 506 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicants and the learned APP for the State.

4. According to the prosecution, on 2 October 2022 at 9.30 p.m., the present applicants assaulted the complainant by iron chain and iron rod, as the applicant No.1 had suspicion that complainant was stalking his wife.

5. This Court on 17 November 2022 passed the following order :

1. *Applicant seeks pre-arrest bail in connection with Crime No.I-804/2022 registered with Indapur Police Station, Pune for the offences punishable under Sections 324, 327, 504, 506 read with Section 34 of the Indian Penal Code.*
2. *Heard learned Counsel for the applicant and learned APP for State. Learned APP seeks time for taking instructions.*
3. *Perused the complaint. Prima-facie, the crime in question came to be registered as an offshoot of complaint Crime No.803/2022 registered by the applicant against the complainant herein under Sections 324 and 327 of the Indian Penal Code and offences punishable under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.*
4. *In consideration of the facts above, a case is made out for granting interim pre-arrest protection to the applicants, on the following conditions :*

O R D E R

- (i) *In the event of arrest of the applicants - Sahadev @ Sagar Kantilal Babar, Avinash Suresh Gaikwad and Nilesh Popat Londhe, in Crime No.I-804/2022 registered with Indapur Police Station, Pune, they shall be released on bail on executing P.R. Bond in the sum of Rs. 20,000/- (Rs. Twenty Thousand only) each with one or more local sureties in the like amount;*
- (ii) *Applicants shall report to the Investigating Officer of the concerned Police Station on 24th, 30th November, 2022 and 2nd December, 2022 between 11:00 to 1:00 p.m.*
- (iii) *Applicants shall not tamper with the evidence or*

attempt to influence or contact the complainant, witnesses or any person concerned with the case.

5. Stand over to 8th December, 2022 for further consideration.”

6. I have perused the injury certificate. The injuries are simple in nature. There is a cross FIR in relation to very same incident lodged by applicant No.1. There are no other criminal antecedents. Considering the overall facts and circumstances of the case, the interim anticipatory bail granted by this Court to the present applicants by order dated 17 November 2022 is hereby confirmed.

7. The anticipatory bail application is disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
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2023.02.21
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