

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

ANTICIPATORY BAIL APPLICATION NO.179 OF 2017

Radhabai Satyawar Jagtap & Ors. ... Applicants

Vs.

The State of Maharashtra .. Respondent

Mr.S.B. Dhotre for the Applicants

Mr.Rajan Salvi, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 7, 2017

P.C. :

1. This application is moved by the applicants/accused for pre-arrest bail under section 438 of Criminal Procedure Code as the applicants/accused are prosecuted for the offences punishable under sections 326, 325, 452, 147, 148, 149, 323, 504, 506 and under section 307 of the Indian Penal Code. The offence is registered at C.R. No.254 of 2016 with Saswad Police Station, Pune at the instance of Kisan Lalasaheb Jagtap on 13.12.2016. It is the case of the prosecution that there was a family dispute. The complainant and the accused persons are the relatives, however, there was a dispute on account of cultivation of land and the families used to quarrel continuously. On 11.12.2016, in the

morning, there was a verbal altercation between the applicant/accused No.1 and the brother of the complainant and thereafter, the wife of the complainant intervened. Thereafter at 10pm, on the same day, the brother of the applicant/accused i.e., accused No.2, knocked on the door of the complainant and told that he wanted to talk with him. When he opened the door, the applicant/accused No.2 assaulted him. He was armed with wooden bamboo. At that time, other 5 to 6 persons including accused No.4 were present. They were armed with wooden sticks and wooden rods and they assaulted the complainant and his wife. The applicant/accused No.1 was abusing them. Both the complainant and his wife sustained injuries. They both had sustained fractures. The complainant was admitted in hospital for more than one month and was taking treatment.

2. The learned Counsel for the applicants/accused has submitted that the applicants/accused are innocent. There was instigation from the side of the complainant and his wife and therefore, there was quarrel. The applicant/accused No.1 gave complaint to the police station pursuant to which N.C. was recorded by the police. He further submitted that both the

applicants/accused have attended the police station and have cooperated. He submitted that the applicant/accused Nos.2 and 4 do not have any criminal antecedents and, therefore, they be granted pre-arrest bail.

3. Learned Prosecutor has opposed the application. He relied on the injury certificates and the statements of the witnesses.

4. Perused the FIR, the statements of the witnesses Sadhana, the wife of the complainant. Also perused the injury certificates. Sadhana had sustained fracture of parietal region and also other two grievous injuries. Kisan also had grievous injury. It appears that he had serious injury to his eye and his skull is fractured. He was admitted in the hospital for more than one month. The incident of assault has taken place in the house of the complainant. Thus, the applicants/accused were aggressive.

5. In view of the roles attributed to the applicants/accused, I hereby confirm the interim bail granted to applicants/accused Nos.1 and 3, namely, Radhabai Satyawana Jagtap and Sagar Purshottam Jadhav, on the same terms and conditions and reject the bail to applicant/accused Nos.2 and 4, namely, Somnath Babaji

Khandve and Prakash Vitthal Kamthe. The applicant/accused Nos.1 and 3 shall report to the concerned Police Station on 1st and 15th day of every month between 11am to 1pm, till filing of chargesheet.

6. At the time of hearing of this application, it was informed by the learned Counsel for applicant/accused Nos.1 and 3 that when they attended the Police Station, as directed by this Court, the applicant/accused No.1 was made to sit in the Police Station for four hours i.e., beyond the time specified by the Court. He further submitted that the applicant was threatened and pressurised by the police and was asked to leave the village. It is further submitted that as the applicant/accused No.1 has complained against the Investigating Officer and also she had moved earlier one application for illegal detention of her minor son, apprehension is expressed that the police are vindictive towards her.

7. In my view, the apprehension appears well founded and therefore, the Superintendent of Police, Pune (Rural) to take note of it and shall give appropriate direction to the concerned Investigating Officer, who may manifest vengeance against the applicant/accused.

8. A copy of this order be forwarded to the Superintendent of Police, Pune (Rural), Pune.

9. The Anticipatory Bail Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)