

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

CR. ANTICIPATORY BAIL APPLICATION NO.2826 OF 2019

Vaibhav Ankush Jarad

....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Sonal Parab, a/w Kiran Varma, i/b. Rajeev Sawant & Associates, for the Applicant.

Smt. Veera Shinde, APP for the Respondent-State.

Mr. Popat Vishnu Darade, Police Constable, Baramati Police Station, Pune Rural, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th December, 2019

P.C.:

1. This is an application for Anticipatory Bail in connection with C.R.No.822 of 2019, registered with Baramati Police Station, District- Pune, for the offences punishable under Sections 326, 143, 147, 149, 323, 504 & 506 of the Indian Penal Code ('IPC' for short).
2. The First Information Report was lodged on 01st November 2019, by Dada Jarad. The accused and the complainant are related to each other. The complainant is the uncle of the applicant.
3. The father of the applicant and the other relatives jointly own a property in the village Undawadi. The said property is situated on

Gat No.502. It is contention of the applicant that the father and the mother of the applicant own 0.58 gunthas each. There are disputes in relation to property between the family of the applicant and first informant. The mother of the applicant Ujwala Jarad had filed an application on 01st April 2019, seeking permission for an electricity connection on their piece of land from the M.S.E.B authorities. The permission was granted conferring them right to obtain electricity connection vide letter dated 23rd October 2019.

4. The case of the complainant is that on 01st November 2019 while he was working at Baramati, he received a call from his wife that the accused are connecting electricity by extracting wires in their plot of land. The first informant made inquiries as to how the electricity connection was taken. The accused abused him. The applicant had allegedly assaulted him by using crowbar. He sustained injury on his right leg toe. All other accused persons also assaulted the first informant with fists kicks and blows. The injured was treated in the Hospital.

5. The learned counsel for the applicant submitted that, the applicant and the entire family of the applicant were implicated as accused. The co-accused included mother and grand mother who is 82 year old. It is submitted that, the applicant is a Graduate. He

completed his Graduation in B. A. (Politics). Since 2017, he has attempted to qualify in different competitive examinations. The documents in relation to that are tendered. It is submitted that the accused also appeared for Maharashtra Public Service Commission in 2019, but he could not qualify. Presently, he is attempting to qualify for the Maharashtra Police Constable Recruitment.

6. Learned APP submitted that, specific overact has been attributed to the applicant. He had assaulted victim by using crowbar. The victim has sustained injuries which is apparent from the Medical Certificate. Custodial interrogation of the applicant is necessary.

7. On perusal of the First Information Report it is apparent that, there are disputes between family of the applicant and complainant. The incident had arisen on account of the electricity wires being extracted from the plot of the complainant. It also appears that, the applicant had applied for electricity connection and permission was granted to him. The complainant had visited the plot after learning from his wife that the accused are extracting wires from their plot. The incident had occurred at spur of moment. It does not appear that the applicant had pre-planned to assault the complainant. Indeed the applicant has been attributed role of the assaulting by

using crowbar which is generally found in the agricultural field and admittedly, work of extracting wires was in progress. As stated above, the applicant is a Graduate. The documents produced by the learned counsel for the applicant indicates that, he has been attempting for the Competitive Examinations from time to time. The arrest and custody may jeopardize his career. In the facts of the present case and considering that, the other accused were granted Anticipatory Bail. Protection is granted to the applicant.

ORDER

- (i) In the event of arrest of the Applicant in connection with C.R No. 822 of 2019, registered with Baramati Police Station, Pune, the applicant be released on bail on his executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall attend concerned police station on 26th and 27th of December 2019, between 10:00 a.m, to 01:00 noon and thereafter, as and when called for till filing of charge sheet.
- (iii) Anticipatory Bail Application is disposed of.

(PRAKASH D. NAIK, J.)