

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.412 OF 2020

Manoj @ Madhav Sahabrao Yadav

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sandeep S. Salunkhe for applicant.

Mr.M.G.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th February 2020

PC :

1. This is an application for anticipatory bail in CR No.700 of 2019 registered with Pandharpur Taluka Police Station for offences under Sections 307, 323, 324, 326, 354(A), 504, 506 r/w 34 of Indian Penal Code.

2. The FIR was lodged on 29th December 2019. The applicant had preferred an application for anticipatory bail before the Sessions Court, which has been rejected vide order dated 13th February 2020.

3. The prosecution case is that on 29th December 2019, the complainant and his family were harvesting corn crops. At that time Dnyaneshwar Nagtilak, Manoj @ Madhav Yadav and Chandrashekhar Nagtilak approached the complainant and asked him not to harvest the corn crop. There was sickle in hand of Dnyaneshwar and the other persons were having sticks in their hands. Complainant was trying to resolve the dispute. However,

Dnyaneshwar assaulted the complainant on his head by sickle. Manoj and Chandrashekhar had assaulted by sticks. Complainant's wife Bhamabai and daughter Radhika came. However, they were also assaulted by kick blow. Complainant tried to click the photographs. Accused Dnyaneshwar took his phone and deleted the photographs. Mother of Dnyaneshwar was present there and she was instigating the co-accused to kill them.

4. There is a cross FIR at the instance of applicant vide CR No.I-704 of 2019, registered with the same police station for the offences punishable under Sections 323, 324, 325, 504, 506 r/w 34 of IPC. In the said FIR, it was alleged that Hanumant Bhosale, Bhamabai Bhosale, Dadasaheb Yadav and Radhika Bosale had entered into the field and there was a scuffle. They were assaulted.

5. The role attributed to the applicant is that he had assaulted the complainant by stick along with co-accused Chandrashekhar. The FIR also mentions that Dnyaneshwar was holding sickle and he had assaulted the complainant on his head. In the cross FIR registered vide CR No.I-704 of 2019, Sadashiv Nagtilak was allegedly assaulted by complainant in the present case. Mr.Hanmant Bhosale and he had sustained grievous injury. Sadashiv Nagtilak has not been named as an accused in the present case.

6. I have perused the injury certificate of Hanumant Bhosale. He had sustained sickle injury in the nature of CLW on right temporal region. According to the complainant, he was assaulted by three persons, one of them was holding sickle and two others were armed with sticks. His version therefore runs counter to the injuries sustained by him. Both sides have registered complaints against each

other. In the circumstances, the applicant is entitled for protection u/s 438 of Cr.PC. Hence, interim protection granted on 18th February 2020 deserves to be confirmed.

7. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.412 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicant in relation to CR No.700 of 2019 registered with Pandharpur Taluka Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer on 4th, 5th and 6th March 2020 between 11 am and 1 pm, and thereafter as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST