

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 ANTICIPATORY BAIL APPLICATION NO.1191 OF 2021

Ramesh Uttam Jadhav
Age : 40 years, occ : household
R/o Vasant Nagar Tanda,
Tal.Ambad, District Jalna.

Applicant.

Versus

The State of Maharashtra.

Respondent.

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Mr. A.K. Bhosle, Advocate for the applicant.
Mr. A.S. Shinde, A.P.P. for respondent - State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 16-11-2021

ORDER :

1. This is an application for pre-arrest bail in Crime No.475/2021 registered with Ambad Police Station, District Jalna for the offences punishable under Sections 323, 328, 504 read with Section 34 of the Indian Penal Code (for short, "I.P.C."). The First Information Report (for short "F.I.R.") was registered on 25.08.2021.

2. The complainant has alleged that on 22nd August 2021, she had visited her agricultural field and on completing the work, she returned home. While she was sitting in front of her house, accused Ganesh Uttam Jadhav, who is related to her, abused the complainant. He was under influence of liquor. Ganesh assaulted the complainant with stick. At that time, Ramesh Uttam Jadhav

(applicant) came to the spot of incident. He caught hand of the complainant and pulled her out. She shouted. The wives of Ganesh and applicant abused and assaulted the complainant. The applicant caught hands of the complainant and Ganesh Jadhav poured some medicine in her mouth. At the time of the incident no one from her house was present at the scene of offence. She was unconscious. She was taken to hospital. She do not know as to who has taken her to the hospital. Her statement was recorded on 24.08.2021.

3. Ganesh Uttam Jadhav had lodged F.I.R. on 25.08.2021 vide Crime No. 480/2021 with the same police station for the offences punishable under Sections 323, 326, 504, 506 read with Section 34 of I.P.C. The said F.I.R. was registered against Ramesh Jadhav, Bhausaheb Jadhav, Sangita Jadhav and Sunil Rathod. In the said F.I.R., it is alleged that on 22nd August 2021, the complainant therein returned home. Ramesh Nila Jadhav, his son Bhausaheb, wife Sangita Jadhav and one Sunil Rathod came there. Bhausaheb was armed with iron rod. He assaulted Ganesh Jadhav above his eye. Ramesh Jadhav then assaulted by sickle on his left hand. Wife of Ganesh Jadhav intervened. She was assaulted by Sangita Jadhav. Children of Ganesh Jadhav were also assaulted. Ganesh Jadhav was admitted in the hospital and his statement was recorded on 25.08.2021 while he was taking treatment.

4. Contention of the applicant is that the entire F.I.R. is false. Complaint is also lodged by Ganesh Jadhav. Ganesh was

admitted in the hospital. He had sustained injury. Opponents were armed with weapons.

5. Learned A.P.P. submitted that the complainant Sangita was admitted in the hospital as she was unconscious on account of consumption of poisonous substance. Medical case papers support the prosecution case. Statements of eye witnesses were recorded. There are independent witnesses who have also seen the incident and supported the prosecution case. Specific role has been attributed to the applicant.

6. Apparently there is dispute between both the sides. They are related with each other, however, the relationship is not cordial. Both the sides have lodged F.I.Rs against each other. Brother of the applicant had sustained injury and he was hospitalized. Complainant in the present F.I.R. is accused in the F.I.R. lodged by Ganesh Jadhav. Although the statements of eye witnesses who are relatives of the complainant, are recorded, the complainant in her F.I.R. has stated that none was present from her house at the time of incident. Learned A.P.P., however, submitted that apart from the relatives, there are independent statement. Complainant has not referred to presence of any other person at the scene of offence. She does not know who had taken her to the hospital. Spot panchnama has been recorded, but the tin containing medicine / poison could not found at the scene of offence. Medical case papers refer to history and diagnosis of poisoning. The role

attributed to the applicant is that he caught hands of the complainant. The incident had occurred at the spur of moment.

7. From the factual aspects, it is clear that both the sides have registered complaints against each other and one of the accused in the present case had sustained injuries and he was admitted in the hospital. In the light of the facts of this case, this application can be allowed. Hence, I pass following order.

ORDER

- (i) ABA NO. 1191 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in connection with Crime No. 475/2021 registered with Ambad Police Station, District Jalna, the applicant be released on bail on executing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall appear before the Investigating Officer on 22.11.2021, 23.11.2021 and 24.11.2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for, till filing of the charge-sheet.
- (iv) The application stands disposed of.

(PRAKASH D. NAIK, J.)