

is daughter-in-law of Vitthal. On 16th January 2021, the informant, her husband Tukaram, father-in-law Vitthal and mother-in-law Kamal had gone to water sugar cane crop in their land. At that time, they saw applicant No.1 was breaking the boundaries between the lands with his tractor. He was questioned by the informant's family. It is alleged that the applicant No.1 got angry and gave a blow with an iron rod on Vitthal's mouth causing loss of two front teeth. It is alleged that the informant's mother-in-law was assaulted by others. She lost her ornaments in the incident. It is further alleged that applicant No.2 gave blows to informant's husband and father-in-law with stick. Thereafter, the informant's father-in-law was taken for treatment and then this F.I.R. was lodged.

3. Heard Mr. Rahul Kadam, learned Counsel for the applicants and Smt. J. S. Lohokare, learned APP for the State.

4. Learned Counsel for the applicants submitted that the F.I.R. does not depict the true story. In fact, the informant Ashwini Parekar's family had assaulted the applicants and therefore, applicant No.1 had lodged his own F.I.R. vide C.R.No.25/2021 at

the same police station on 16th January 2021 in the night under Sections, 326, 323, 504, 506 r/w 34 of Indian Penal Code. This F.I.R is prior in point of time. He submitted that the F.I.R. against the present applicants is lodged after four days as a counter blast to the F.I.R. lodged by the present applicant No.1. He submitted that the present applicant No.1 has suffered fracture to his hand and it was a serious injury, which needed treatment in the hospital for over ten days.

5. Learned APP relied on averments in the F.I.R. and opposed this application.

6. I have considered these submission. The applicants have annexed the medical certificate and medical papers regarding treatment taken by the applicant No.1. Those papers do show that applicant No.1 had suffered displaced complete fracture of ulna which was a grievous injury. Therefore, there is a possibility that the assault if at all made on the informant Ashwini's group was made in self defence. The F.I.R lodged against the present applicants does not even refer to any injury caused to the applicant No.1. The F.I.R. against the applicants is lodged belatedly after four

days of the incident. That delay is not explained.

6. In this view of the matter, at this stage, there is some truth in the story put forth by the present applicants and therefore, they deserve protection of anticipatory bail. Their custodial interrogation is not necessary.

7. Hence, the following order.

ORDER

- (i) In the event of their arrest, in connection with C.R.No.30/2021 registered at Indapur Police Station, Dist. Pune, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)