

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

ANTICIPATORY BAIL APPLICATION NO. 767 OF 2021

1. Hemlata Pravin Jadhav
2. Chetan Pravin Jadhav ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Vinay Bhanushali, Advocate for the Applicants.
Mr. Y. M. Nakhwa, APP for the Respondent – State.
Mr. Javed Mulla, (P.S.I.) Kashmirira Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 23rd MARCH, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. I-110 of 2021 registered with Kashmirira Police Station for offences under Section 307, 324, 504 & 506 r/w Section 34 of Indian Penal Code (for short “IPC”) The First Information Report (for short ‘FIR’) was registered on 6th February, 2021.

2. According to the complainant Smt. Mankubai Ravi Devnath, on 6th February, 2021 at about 6.30 p.m, she returned home along with her husband from her agricultural land. Their neighbour Chetan Jadhav (applicant No.2) came in front of their house and abused them. Thereafter, father of applicant No.2, and elder brother

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Mayur, mother-Hemlata Jadhav abused them. Pravin Jadhav caught hold of neck of Anil Ravi Devnath. Mayur Jadhav then assaulted him with iron rod by giving blows on his head. Pravin Jadhav assaulted Anil by wooden stick on his hand and leg. In the meantime, Chetan caught hold of him. Hemlata Jadhav was holding wooden stick and she assaulted the complainant. The injured were treated in the hospital. Complainant had suffered simple injury whereas Anil Devnath had suffered head injury in the nature of CLW on occipital region, abrasion, swelling and CLW on leg, arm and swelling on left thigh.

3. Cross FIR was registered at the instance of the applicants with the same police station on 7th February, 2021 for offences under Section 324, 323, 504, 506 r/w Section 34 of IPC. The said FIR was lodged by Pravin Balu Jadhav against Anil Devnath, Ravi Devnath and Mankubai Ravi Devnath.

4. Learned counsel for the applicants submitted that several complaints are lodged from the applicant's side against the complainant and other family members. Section 307 is not attracted in this case. No role of assault is attributed to applicant No.2. Applicant No.1 is mother of applicant No.2. she had allegedly assaulted complainant Mankubai Devnath. She has allegedly suffered

simple injury.

5. Learned APP submitted that both the accused have played vital role in the assault. Anil Devnath was assaulted. He had sustained injuries. The applicant No.1 facilitated the assault.

6. On perusal of the FIR it is apparent that the incident had occurred on account of previous dispute. One of the accused had allegedly abused the complainant and her family members. Thereafter, the other accused had reached the spot and the incident of assault had occurred. FIR was lodged against the applicants on 6th February, 2021. The proforma of the FIR indicate that the information was received by the Police at 23:15 whereas the FIR at the instance of the accused was recorded on 7th February, 2021. Proforma of FIR indicate that the information was received on 6th February 2021 at 7.15 p.m. which is apparently prior to the information in respect to the present FIR. The applicant No.1 is a lady. She had allegedly assaulted and sustained simple injury. The applicant No.2 was not armed with weapon. He has allegedly caught hold of the injured. Considering the factual aspects of the matter, the applicants need not be subjected to custodial interrogation. Hence, I pass the following order:-

ORDER

- (i) Anticipatory Bail Application No. 767 of 2021 is allowed;
- (ii) In the event of arrest of the applicants in connection with in C.R. No. I-110 of 2021 registered with Kashmiri Police Station, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall attend the investigating officer on 30th, 31st March, 2021 & 5th April, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)