

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

ANTICIPATORY BAIL APPLICATION NO. 1276 OF 2021

1. Umesh Baburao Jadhav
2. Raviraj Sanjay Jadhav Applicants

Versus

The State of Maharashtra Respondent

Mr. Veerdhawal Kakade i/b. Mrunal Jadhav for Applicants.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th JUNE, 2021
(Through Video Conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 178 of 2021 registered at Saswad Police Station, Pune, under sections 326, 324, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Veerdhawal Kakade, learned counsel for the applicants and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is

lodged by one Gajanan Jadhav. The applicant No.1 is his brother and applicant No.2 is nephew of the first informant. The F.I.R. is in respect of an incident dated 04/05/2021. On that day, at about 11:00a.m. the applicant No.1 was trying to demolish the temporary roof placed by the first informant. The applicant No.1 was opposed by the informant. The applicant No.1 left the place. After some time, applicant No.1's son Aditya came there on his two wheeler. Within a short time, both the applicants and one Sanjay reached that spot. Aditya and Sanjay started beating the informant with sticks which were lying at the spot. When the first informant tried to defend himself, he suffered injuries on his left wrist. The informant's three daughters Varsha, Ashwini and Ankita came there to intervene. It is alleged that, they were beaten by both the applicants. The applicant No.1 used stick and applicant No.2 beat them with his hands. The informant and his daughters were abused and threatened. After that, the informant approached the police and lodged this F.I.R.

4. Learned counsel for the applicants submitted that, they are falsely implicated because of previous dispute. They are

ascribed minor roles compared to others. Their roles can be separated from the roles of other accused.

5. Learned APP opposed this application by relying on medical certificates in respect of injuries suffered by the first informant and his three daughters.

6. I have considered these submissions. The injury certificate of the first informant Gajanan shows that, he had suffered two injuries. Out of which, one injury was undisplaced fracture of the wrist. The informant's daughters Varsha, Ashwini and Ankita have suffered simple minor injuries. Therefore, in this case, only serious injury is caused to the first informant which is specifically attributed to the other accused Aditya and Sanjay. It is significant to note that the accused had not come together at the spot. They had come separately. Aditya and Sanjay had picked up the sticks which were lying at the spot which shows that the applicants and other accused had not come together at the spot carrying weapons. Therefore, at this stage, there is scope to believe that the applicants may not have shared common object or common intention in causing grievous injury. In any case, injury

caused to the first informant is specifically attributed to Aditya and Sanjay. Therefore, in this case, the applicants' role can be separated. At the highest, allegations against them are of causing simple injuries to the informant's daughters. In this view of the matter, custodial interrogation of the applicants is not necessary. They can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 178 of 2021 registered at Saswad Police Station, Pune, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station, as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)