

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1275 OF 2021**

Aditya Umesh Jadhav and anr .. Applicants
Versus
The State of Maharashtra .. Respondent

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Mr. Veerdhaval Kakade i/b Mrunal Jadhav for the applicants.
Mrs.Rutuja Ambekar, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 2nd SEPTEMBER 2021.**

P.C:-

1 The applicants are arraigned as Accused nos.2 and 3 in C.R.No. 178 of 2021 registered with Saswad police station invoking Sections 326, 324, 323, 504, 506 r/w 34 of the IPC. The incident reported is alleged to have occurred on 4th May 2021.

2 Another C.R No.181 of 2021 came to be registered with the same police station on the next date i.e. 5th May 2021 which invoke Sections 324, 323, 504, 506, 143, 147, 148, 149 of the IPC, and report about the same incident which took place on 4th May 2021.

The subject C.R implicate the two applicants as accused at the instance of the complaint filed by one Gajanan

Jadhav who is the brother of Umesh Jadhav who has instituted a cross complaint. Gajanan has alleged that when he had been to his home town where he owns an agricultural land, his brother Umesh visited the place and started pulling the cow-shed. On being questioned, he was assaulted by his son Aditya and one Sanjay. It is alleged that they assaulted him by means of a stick and when he avoided the blow, it landed on his left wrist. When his three daughters – Varsha, Ashwini and Ankita attempted to intervene, it is alleged that Umesh and Raviraj assaulted them on head, hand, legs and back.

3 The injured in the said incident are Gajanan and his three daughters. As far as Gajanan is concerned, he has sustained an undisplaced fracture on left wrist, whereas Varsha, Ankita and Ashwini sustained blunt injuries which are simple in nature.

When the cross-complaint filed by Umesh is perused, it disclose an assault on Gajanan and his four daughters along with Shekhar Chauhan, though a trivial injury is sustained, Sections 323, 324 of IPC are found invoked.

4 In the wake of the accusations faced by the applicants, who are in close relation to the complainant and the cross-accusations faced by the complainant who along with his daughters are arraigned as accused, it appears that the incident occurred on account of the family feud, and *prima facie* it can be

seen that it is not pre-planned and since the injuries sustained are simple in nature, except the injury of Gajanan. Since the facts appear straight on record in the respective complaints, the custodial interrogation of the applicants is not warranted. They are therefore, entitled for protection in the following order :-

ORDER

- (a) In the event of their arrest, the Applicant no.1 – Aditya Umesh Jadhav and applicant no.2 – Sanjay Baburao Jadhav in connection of C.R.No.178 of 2021 registered with Saswad police station shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.
- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade them from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicants shall make themselves available as and when required by the Investigating Officer.

The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J