

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

ANTICIPATORY BAIL APPLICATION NO. 1399 OF 2021

1. Vijay Sitaram Jadhav
2. Prashant Sitaram Jadhav Applicants

Versus

The State of Maharashtra Respondent

Mr. Amit Icham, for the applicant.
Smt. J.S. Lohokare, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 16th , JUNE 2021**

P.C. :

1. After arguing for some time, when I expressed my disinclination to grant relief to applicant No. 1 in this application, learned counsel for the applicants prays for unconditional withdrawal application for applicant No. 1. Hence, application for applicant No. 1 Vijay Jadhav is dismissed as withdrawn.

2. I have considered the application for applicant

No. 2 Prashant Jadhav.

2. The Applicant No. 2 is seeking anticipatory bail in connection with C.R.No. 105 of 2021 registered at Wadner Bhairav Police Station, Nashik under sections 326, 324, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Amit Icham learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Roshan Popat Jadhav. He has stated that there was dispute between his family and family of the applicant in respect of the common boundary. On 16/5/2020, at about 10.00 a.m., Sitaram Jadhav questioned the informant's father Popat Jadhav as to why he had tampered with common boundary. At that time, Sitaram Jadhav started abusing informant's father Popat. Sitaram was joined by his sons Vijay, the applicant

No. 1, Prashant applicant No. 2 and Prasad. They were carrying rods, axe and sticks. The applicant No. 2 was having an axe. The applicant No. 1 Vijay gave a blow with iron rod on the informant's father's left hand. The applicant No. 2 was standing there with axe in his hand. After the incident, informant's father was taken to the hospital and then this FIR is lodged.

4. Learned APP produced injury certificate before the Court which shows fracture to the left hand of the informant's father. The injury is attributed to the applicant No. 1. There is no injury caused by the applicant No. 2 Prashant. There are no allegations that the applicant No. 2 took part in the assault.

5. In this view of the matter, applicant No. 2 can be granted anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 105 of 2021 registered with

Wadner Bhairav Police Station, Nashik the Applicant No.2 Prashant Sitaram Jadhav, is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Application on behalf applicant No. 1 , Vijay Jadhav is dismissed as withdrawn.

(SARANG V. KOTWAL, J.)