

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1572 OF 2021

Shahaji Lalaso Gadhave Deshmukh .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents

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Mr. Bhalchandra Shinde for the applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Prashant Patil for respondent no.2.

CORAM: BHARATI DANGRE, J.
DATED : 9th JULY 2021

P.C:-

1 The applicant is one Shahaji Gadhave Deshmukh who is cousin brother of respondent no.2 Ajit Vilas Gadhave, who own agricultural property adjacent to one another and are neighbors. A previous discord between the two families gave rise to the alleged incident dated 7th May 2021 in respect of which two CRs came to be filed, one being lodged by Ajit against the applicant and his brother alleging that it is the complainant and his brother Ranjeet who sustained injuries on being assaulted by the applicant and his brother. Another FIR, bearing No. 308/21 is lodged by the present applicant Shahaji, wherein Ajit and Ranjit are arraigned as accused. Both the FIRs invoke provisions of

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Sections 307, 326, 324, 323, 504 IPC. The counter complaints, when perused, clearly reveal that it is on account of the property which was once upon a time jointly shared by them is the cause of the altercation which took place wherein the allegations are levelled against each other that they have assaulted by means of sticks, rods, etc.

2 Today, the complainant – respondent no.2 has placed on record the affidavit sworn on 6th July 2021, wherein a categorical statement is made where the dispute is amicably settled between the parties and they have decided to bury their discord and live peacefully without any future conflict. If the parties have settled the dispute, the proper course for them is to approach the Competent Court for quashing of the FIR and on satisfying the Court that the proceedings can be quashed, it may be permitted. However, since I am considering Anticipatory Bail Application, looking to the nature of allegations and by taking into account the fact that the dispute was between two families who are closely related to each other and belong to the same clan, the applicant deserve to be released on bail, subject to the stipulation that he will not indulge in any such incident in future and as respondent no.2 – complainant has undertaken that the parties have decided to bury the dispute and live peacefully without any further conflicts, the said undertaking should be abided. Hence, the following order :-

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ORDER

- (a) Application is allowed.
- (b) In the event of his arrest, the Applicant Shahaji Lalaso Gadhave Deshmukh, in connection with FIR No.309/21 registered with Baramati 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.
- (c) The applicant shall co-operate with the Investigating Agency by attending the police station on every Monday between 10 am to 2.00 p.m.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

SMT. BHARATI DANGRE, J