

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2419 OF 2021**

Amol Arjun Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Yogiraj Purwant a/w Jay Patil for the Applicant.

Ms. Anamika Malhotra, A.P.P for the Respondent-State.

P.N. 150 / A.A.Lohar attached to Barshi Taluka Police Station.

CORAM : REVATI MOHITE DERE, J.
DATE : 7th OCTOBER, 2021

P.C. :

1. Heard learned counsel for the applicant.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 275 of 2021 registered with the Barshi Taluka Police Station, Solapur District, for the alleged offences punishable under Sections 326, 324, 323, 504, 143, 147, 148, 149 of the Indian Penal Code; Section 135 of the Maharashtra Police Act.

3. Learned Counsel for the applicant states that the applicant's father and the complainant's husband are brothers and they have agricultural land adjacent to each other. He submits that the incident took place on 16th January, 2021 at 2.00 p.m. when the applicant's mother - Asha Jadhav (Accused No.2 in the present C.R.) had gone to her agricultural field at village, Saundare. He submits that at that time, a quarrel took place between her and the complainant on account of plucking of Urad crop by the complainant. He submits that the complainant in the present C.R. and her three daughters assaulted the applicant's mother with fist and kick blows. He further submits that thereafter, on 19th August, 2021 at about 12.00 in the night, when the applicant's mother alongwith her daughter – Sonali and daught-in-law – Sheetal were going to Saundare to the complainant's house to question them about the said incident, the complainant, her daughter – Bhagyashri and Guddi and son – Bhaiyya assaulted all of them with wooden stick and kick blows. The complainant in the present C.R. is alleged to have assaulted the applicant with a wooden stick on his head and the complainant's daughter and son are alleged to have assaulted Sonali and Sheetal with fist and kick blows. It is alleged that pursuant to the said altercation, the applicant's mother also assaulted the complainant on her head with a wooden stick. Learned Counsel submits that in the said incident, the applicant's mother also sustained an

injury on her head. He submits that the applicant's mother immediately lodged an FIR, which was registered vide C.R.No. 273 of 2021 with the Barshi Taluka Police Station, for the alleged offences punishable under Sections 324, 323, 504, 506 r/w 34 of the Indian Penal Code as against the complainant in the present C.R. and others. Learned Counsel for the applicant submits that the fracture sustained by the complainant could also be possible by a fall, during the said altercation.

4. Having heard learned Counsel for the parties and the manner in which, the incident had taken place, custodial interrogation of the applicant is not warranted. Although, in the present complaint, allegations are made as against the applicant that he assaulted the complainant with an iron rod, the said allegations will have to be seen and considered, keeping in mind the FIR/complaint lodged by the applicant's mother as against the complainant.

5. Having regard to the cross FIR, and the facts, custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
 - (ii) The applicant shall report to the concerned Investigating Officer of the concerned Police Station on 14th and 15th October, 2021 between 10.00 a.m. to 12.00 noon and thereafter, as and when called for;
 - (iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.
 - (iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
 - (v) The applicant to cooperate with the investigating agency;
6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.