

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

ANTICIPATORY BAIL APPLICATION NO. 1600 OF 2023

1. Dattatray Ganpat Jadhav and
2. Shrikant Dattatray Jadhav

...Applicants

vs.

The State of Maharashtra

...Respondent

Mr. Rahul Dhaigude - Advocate for the Applicant

Mr. S. R. Agarkar - APP for the Respondent-State

Ganesh Sawta Bhong – Police Constable-Koregaon Police Station

CORAM : S. M. MODAK, J.

DATE : 15th JUNE, 2023

P. C. :-

1. Heard learned Advocate Shri Dhaigude for the Applicant
and learned APP for the Respondent-State.

2. There are two accused persons named in the F.I.R.
registered at C.R. No. 202 of 2023 registered with Koregaon Police
Station, Satara on 11/05/2023. Though investigating officer is not
present, the investigation case papers are made available through
the constable from the concerned Police Station. One Asmita Jadhav
is the first informant. She is resident of village Chimangaon, Taluka
Koregaon, District Satara.

3. Whereas there is F.I.R. bearing C.R. No. 207 of 2023 registered on next date i.e. on 12/05/2023 with Koregaon Police Station on the complaint of the first informant-Shrikant Jadhav. It was registered under Sections 324, 323, 143, 147, 148, 149, 504 and 506. There are 7 accused persons.

4. The incident as narrated in both these F.I.R.s. took place on 10/05/2023 in a Land bearing Gat No. 313 situated at Bhose Road, Taluka Koregaon. There is a dispute going on between the parties on account of boundaries and civil suit is going on. The first informant-Asmita Jadhav is injured in this incident apart from her father-Vikas, grand mother-Kamal Jadhav are also injured. Their certificates issued by the Sub-District Hospital, Koregaon are annexed to the investigating papers. The first informant-Asmita has received the grievous injuries and there is fracture to her nose bone. Other two persons have received only simple injuries.

5. Her allegation is that when she was standing in front of her house on 10/05/2023 at about 6 p.m., the Applicant No. 2- Shrikant was going in the agricultural field of the first informant on a tractor and Applicant No. 1- Dattatray Jadhav was standing alongwith wooden stick. When the first informant obstructed them,

the Applicant-Shrikant pushed her back and tried to take away tractor further. In the meantime, the witnesses Prithviraj, Kamal, Vikas, Seema and Gayatri have come on the spot. There is an allegation that the Applicant No. 1-Dattatray has assaulted with wooden stick, whereas Applicant No. 2-Shrikant assaulted with the help of sickle. Apart from the above named persons, Gayatri, Prithviraj, and Kamal have also sustained certain injuries.

6. Whereas the Applicant No. 2- Shrikant is having different story to offer. When he was standing near the agricultural field on 10/05/2023 in the evening, the accused-Prithviraj and his wife Kamal, son-Ankush and nephew-Vikas and his wife Seema and two daughters-Asmita and Gayatri came there. They were possessing sickles and wooden sticks. All of them, went near the mother of the first informant-Shrikant. They intend to first beat her, however father Dattatray intervened. He was assaulted with the help of the sickle. Furthermore, Vikas assaulted with the help of wooden rod. Both these Applicants sustained injuries. Those certificates are filed on page no. 42 and page no. 65. Photographs showing the injuries caused to them are also filed on page no. 35 to page no. 41.

7. It is contended that the even though the injuries in

present F.I.R. are more in numbers as compared to the injurers/present Applicants, injury caused to these Applicants is more serious than the injury caused to the prosecution witnesses. They have shown the readiness to co-operate the Police.

8. Moreover it is true that the first informant-Asmita and some of her relatives also sustained injuries. This is not the stage to decide as to who is aggressor and who is person to be blamed. The only issue is whether there are allegations and their custodial interrogation is required or not. These are normal parameters for deciding the Anticipatory bail application.

9. However when there is a contingency where there are counter FIRs, the Court has to see the materials from a different perspective. Ultimately, the Court has to ascertain how the right of the investigating agency to investigate into the matter is going to be protected because ultimately they are competing claims that is right to protect liberty of an individual on one hand and right to carry on investigation on the other hand.

10. When both these claims are ascertained, I think in a given set of the circumstances, the Police can carry on investigation even by giving attendance to these Applicants. Hence I am inclined

to grant Anticipatory bail to both of them. Hence the Order:-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 202 of 2023 registered with Koregaon Police Station, Satara for the offence punishable under Sections 354, 326, 324, 323, 504 and 506 of the Indian Penal Code, the Applicant No. 1- Dattatray Jadhav and Applicant No. 2- Shrikant Jadhav be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/-.
- (iii) They are directed to give attendance to the Koregaon Police Station, Satara on Monday and Wednesday from 10.00 a.m. to 12.00 noon until filing of the charge-sheet.
- (iv) Applicants shall not threaten the prosecution witnesses.
- (v) The Applicants are directed not to enter the Koregaon Taluka until filing of the charge-sheet except for giving attendance.
- (vi) They are directed to give the details of their alternate address to the investigating officer.
- (vi) Needless to say, violating of the condition above will make the Applicants liable for cancellation of bail.

11. It is made clear that these are my *prima-facie* observations and the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

12. Application is disposed of in the aforesaid terms.
13. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]