

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

BAIL APPLICATION NO. 468 OF 2023

1. Yogesh Devidas Jagtap
2. Vikas Suresh Jagtap ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr. Arjun S. Pawar - Advocate for the Applicant
Mr. Y. Y. Dabke - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 28th FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate Shri Arjun Pawar for the Applicants and learned APP Shri Dabke for the Respondent-State.
2. Applicants alongwith their brother Ganesh, father Devidas and other two persons assaulted Jaising and Pravin being father and brother of the first informant-Prakash Jagtap. It was on 13/01/2023 at about 6 p.m. when the first informant returned home in his truck, some of the accused tried to intercept him. Somehow, the first informant reached home. When he was running, he saw his father Jaising also coming on bullet motorcycle. The accused with the help of several weapons assaulted the said Jaising and Pravin.

Accordingly, the present F.I.R. is registered at Wai Police Station on 14/01/2023 for the offence punishable under Sections 307, 326, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

3. There is a background of this incident. There is a land of Devidas Jagtap, father of these Applicants and they were intending to make an entry in the Gram Panchayat record about shed constructed by them. As a result of which there was scuffle in between the Jaising Jagtap, who is Upsarpanch and Devidas Jagtap on 13/01/2023 at about 10 a.m..

4. This is not the end of the episode. There is also counter F.I.R. lodged by the Applicant Vikas Jagtap against the Jaising Jagtap and two others. It was also in respect of the same incident which happened on 13/01/2023 at about 5.30 p.m.. They were intercepted while going on motor cycle. Vikas was injured and he was taken to hospital and statement was recorded on 14/01/2023 and F.I.R. was registered on 16/01/2023 for the offence punishable under Sections 341, 324, 323 read with 34 of the Indian Penal Code.

5. In addition to that Dhanashree, sister of these Applicants lodged the complaint with the same Police Station. It is registered as non-cognizable complaint. It is in support of the incident that took

place in the morning on 13/01/2023 except these two Applicants, all other accused were granted bail by the Additional Sessions Judge, Wai.

6. Bail is opposed for the reason that there are six eye witnesses and at the instance of the Applicant-Yogesh weapons are recovered. It does not include sword. Whereas Applicant-Vikas is having one criminal offence registered against him.

7. When the Counter F.I.R. is there, it indicates that there are two versions about the incident. The injured are discharged from the hospital. There are no incised wound to the injured. They are usually caused due to sharp edged weapon. No inference can be drawn at this stage about which weapon is used. It is at the time of the trial. The Applicant-Yogesh is working as Software Engineer at Pune. I am inclined to grant him bail for the reason that there is another version of the incident. There is no recovery from the Applicant-Vikas. They can put to conditions. Hence following order:-

ORDER

- (i) The Bail Application is allowed.
- (ii) The Applicant – Yogesh Devidas Jagtap and Applicant-Vikas Suresh Jagtap be released on bail

on furnishing PR bond and surety bond in the sum of Rs.25,000/- each.

(iii) The Applicants shall not threaten the prosecution witness.

(iv) The Applicants shall give attendance to the Wai Police station on every Sunday from 10 am to 12 noon for six months.

(v) Needless to say, violating of the condition above will make the Applicants liable for cancellation of bail.

8. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

9. Application is disposed of in the aforesaid terms.

10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]