



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3288 OF 2023**

Anil Sadashiv Jagtap

... Applicant

versus

The State of Maharashtra

... Respondents

Shriram S. Chaudhari, for Applicant.

Mr. S.H.Yadav, APP for State.

Mr. Sanjay Phugare, PSI and IO Karkamb Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 29 NOVEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.327 of 2023 registered with Karkamb Police Station for the offences punishable under Sections 141, 143, 147, 148, 149, 326, 324, 323, 504, 506 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951.
3. The first informant – Vitthal Vyavahare, lodged a report with the allegations that there is a dispute between the informant party and the co-accused over the agricultural land. Regular Civil Suit No.349 of 1998 has been decided in favour of the informant party. Yet the applicant and the co-accused frequently raked up quarrels over the said dispute. On 11 October 2023, the applicant and the co-accused allegedly formed an unlawful assembly and initially abused and assaulted Dayanand, a nephew

of the first informant. When the first informant and his other relatives went to the rescue of Dayanand, the applicant and the co-accused Sukhdev Jagtap allegedly assaulted the first informant's brother Kantilal by means of stick. Kantilal suffered a fracture. The applicant and the co-accused allegedly assaulted other members of the informant's party, including the first informant.

4. The learned Counsel for the Applicant submitted that on account of the civil dispute between the parties, there have been a number of proceedings. In respect of the very same occurrence, the applicant had lodged a report at C.R.No.326 of 2023 prior in point of time against the members of the informant's party for the offences punishable under Sections 141, 143, 147, 148, 149, 326, 324, 323, 504, 506 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951. The Applicant and his son Sagar had sustained injuries on account of the assault perpetrated by the members of the informant party. As a counter blast, the applicant and the co-accused have been roped in.

5. Learned APP resisted the application. It was submitted that the injured Kantilal had sustained a fracture on the left forearm. Other injured have also sustained various injuries. In the circumstances, the custodial interrogation of the applicant is warranted to facilitate further investigation and also recover weapon of offence.

6. Learned Counsel for the Applicant joined the issue by submitting that

the wooden sticks have already been recovered. Attention of the Court was invited to the say of the prosecution dated 30 October 2023 wherein the wooden sticks were shown to have been recovered.

7. From the perusal of the allegations in the FIR, coupled with the FIR No.326 of 2023, it prima facie appears that it was a case of free fight. The informant party and the applicant and the co-accused are at loggerheads over a civil dispute. In respect of the very same occurrence, the applicant had lodged a report prior in point of time. As regards the grievous injuries allegedly sustained by Kantiial, prima facie, it appears that the role of assault is attributed to the applicant as well as Sukhdev Jagtap. The Court is informed that Sukhdev Jagtap has since been arrested and released. Seven sticks are shown to have been recovered. In the circumstances, at this length of time, the custodial interrogation of the applicant does not seem to be warranted. The applicant appears to have roots in society and the possibility of fleeing away from justice appears to be remote. I am, therefore, inclined to exercise the discretion, while directing the applicant to co-operate with the investigation.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Anil Sadashiv Jagtap in connection with C.R.No.327 of 2023 registered with Karkamb Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with

one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Karkamb Police Station on 5th, 6th and 7th December 2023 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(N.J.JAMADAR, J.)