



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 354 OF 2024

1. Jayashri Sanjay Katke
2. Shrijit Sanjay Katke ... Applicants

VERSUS

The State Of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 411 OF 2024

Sanjay Tukaram Katke ... Applicants

VERSUS

The State of Maharashtra
And Another ... Respondents

.....
Mr. Mahesh K. Bhosale, Advocate for Applicants
Mr. C.V. Bhadane, APP for Respondents – State
Mr. Tushar Shinde h/f Mr. Kiran P. Rathod, Advocate for
Informant

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th APRIL, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 92 of 2024, registered with Sadar Bazar Police Station, Jalna for offences punishable under sections 143, 147, 148, 149, 326, 341, 323, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Sandeep Vitthalrao Sontakke alleging that on 01.02.2024, when he was bringing his son Siddharth from the School, 200 meters before his house, when he came near to the house of his brother Ranjeet Sontakke, applicants Sanjay Tukaram Katke, Jayashri Sanjay Katke, Shrijit Sanjay Katke and 3-4 unknown persons along with them blocked him. Sanjay asked him as to why she has lodged FIR against them. Then he went in the house of Raju Poul and got iron pipe and assaulted him on left jaw. Jayashri and her son Shrijit assaulted him with stick on thigh and back. Sanjay was in police uniform. Because of the assault by Sanjay, his molar tooth fell out.

3. Applicant Jayashri Katke has lodged cross FIR of the incident stating that Sandeep Sontakke entered in the house and assaulted her with wooden stick on left shoulder and wrist and elbow. He dragged her out of the house by holding her hand. Thereafter, his brother Ranjeet Sontakke, their mother and their wives assaulted her with fists and kick blows. Ranjeet snatched her gold bracelet weighing 50 gms. Thereafter, her husband Sanjay Katke came there, Sandeep and Ranjeet assaulted him with wooden log on head and hand. Sandeep and Ranjeet told them that the house belongs to

them and why informant and her husband have come there, why they have purchased the said house from their brother. Accordingly, crime no. 0091/2024 registered with Sadar Bazar Police Station, Jalna against Sandeep Vitthal Sontakke, Ranjeet Sontakke, wife of Sandeep Sontakke and wife of Ranjeet Sontakke for offences punishable under sections 143, 147, 148, 149, 327, 452, 324 of Indian Penal Code.

4. Heard learned advocate for applicant, learned APP for respondents – State and learned advocate for Informant. Perused the Investigation papers.

5. Applicants have placed on record photographs of injuries suffered by them. There appears scuffle between applicants' side and informant's side in which both the parties have suffered injuries.

6. Injury certificate of Jayashri Katke shows following injuries:-

- (i) Contusion - left forearm centre – 6 x 2 cm – irregular – simple.
- (ii) Contusion - left shoulder – 6 x 2 cm – irregular – simple.
- (iii) Contusion – left arm centre – 1 x 0.5 cm – irregular – simple.

(iv) X-ray of left forearm was obtained and medical officer has not noticed any bone injury.

Sanjay Katke has suffered following injuries:-

- (i) Contusion and lacerated wound on vertex – 2 x 0.5 x 0.5 cm – irregular – simple.
- (ii) Contusion on left palm – 1 x 0.5 cm – irregular – simple.
- (iii) Contusion on left arm – 1 x 0.5 cm – irregular – simple.

Informant has suffered following injuries:-

- (i) Contusion – Right side mandible – 3 x 2 cm – oblique – simple.
- (ii) Contusion – Left shoulder lateral 8 x 2 cm – oblique – simple.
- (iii) Fracture – Left hand dorsum – oblique – simple.
- (iv) Loss of left 3rd Molar tooth – grievous.

7. On perusal of investigation papers of both the crimes, it appears that there was scuffle between both the parties and both the parties have assaulted each other. It is not possible at this stage to determine as to which party is aggressor. *Prima facie*, it appears that assault made by Sanjay is supported by medical certificate. Faced with this situation, learned advocate for applicants, on instructions, seeks permission to withdraw his application. Permission granted. Application of Sanjay Katke is dismissed as withdrawn.

8. So far as allegations made against Jayashri and Shrijit and role attributed to them, there does not appear corresponding injuries suffered by informant. Fact remains that Jayashri has suffered injuries in the incident, considering her gender and as nothing is to be recovered from applicants, no useful purpose would be served by remanding them in custody, they are entitled for anticipatory bail.

9. Applicants were granted interim protection and they have co-operated in investigation. Hence, their pre-trial custodial detention is not necessary in the facts of the present case.

10. Application is therefore allowed by confirming interim protection granted to applicants by order dated 04.03.2024.

11. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE