

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

**ANTICIPATORY BAIL APPLICATION NO.143 OF 2024**

1. Vasudev Dhondiram Jadhav, &  
2. Sukhdev Dhondiram Jadhav .... Applicants  
Versus  
The State of Maharashtra .... Respondent

Mr. Nilesh Wable, Advocate i/b. Umesh R. Mankapure for the Applicants.

Ms. Sharmila S. Kaushik, APP for the Respondent-State.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 18<sup>th</sup> JANUARY, 2024**

**P.C. :**

1. The Applicants are seeking anticipatory bail in connection with C.R.No.608/2023 registered at Tasgaon Police Station, District-Sangli on 19.11.2023 under sections 354, 327, 323, 504, 506 read with 34 of IPC.

2. The FIR is lodged by one 'S'. She has stated that on 17.11.2023 at about 7.30 to 7.45 p.m. the Applicant Sukhdev approached her and told her that somebody from her family was waiting near a temple for her. She went there. At that time, the Applicant No.1 Vasudev was present there. He

pulled her towards him and outraged her modesty. He told her that he liked her and she should keep relations with him otherwise he would throw acid on her and would finish her family. She escaped and ran away. In the incident her *mangalsutra* was broken, which was taken away by the Applicant Vasudev. On this basis the FIR is lodged. Said FIR is lodged at 5.55 p.m. on 19.11.2023.

3. Heard Mr. Nilesh Wable, learned counsel for the Applicants and Ms. Sharmila Kaushik, learned APP for the Respondent-State.

4. Learned counsel for the Applicants submitted that the Applicants' mother had lodged her FIR vide C.R. No.606/2023 at the same Tasgaon police station on 18.11.2023 at about 9.43 p.m. under Sections 326, 354, 354-D, 149 and various other sections of IPC. She has stated in her statement that on 17.11.2023 at about 7.30 p.m. at the same place in Julewadi one Pawan Jadhav had held her hand. The Applicants are her sons. The Applicant Vasudev came there and questioned Pawan Jadhav. Said Pawan Jadhav and others

namely Bhimrao Jadhav, Ajay Jadhav, Jagdish Jadhav, Subhash Jadhav and Sandesh Jadhav assaulted him. Pawan gave a blow with handle of a sword on Vasudev's head. On this basis, the FIR is lodged.

5. Learned counsel for the Applicant submitted that the Pawan Jadhav is brother of the first informant S's mother-in-law. The other accused, in that case, are cousins of Pawan Jadhav. He, therefore, submitted that as a counter-blast to the real incident and real FIR lodged by the Applicant's mother, the informant in the present case 'S' has lodged the present complaint.

6. Learned APP relied on the prosecution case mentioned in the FIR by the informant 'S' to oppose this application. She, however, accepted that the C.R. No.606/2023 was already lodged by the Applicants' mother at the same police station on 18.11.2023.

7. I have considered these submissions. The Applicants mother's FIR i.e. C.R. No.606/2023 was lodged on

18.11.2023. In that FIR, she had described the incident where the Applicant Vasudev was assaulted. There was a head injury. The photographs of the injury are annexed to this application. There is a medical certificate issued by the Government Hospital, Miraj which shows that the Applicant Vasudev was treated for his head injury on 18.11.2023. This corroborates the Applicants' mother Bharati's FIR registered vide C.R. No.606/2023.

8. In this background, the FIR lodged against both the Applicants by 'S' on 19.11.2023 alleging that the incident had occurred on 17.11.2023 at 7.45 p.m. i.e. exactly at the same time when according to Bharati, Vasudev was assaulted. This clearly shows that the FIR lodged vide C.R. No.608/2023 is a counter-blast to the FIR lodged by the Applicants' mother. On 17.11.2023 itself the Applicant Vasudev was assaulted and had suffered head injury.

9. In that case, it would be difficult to believe that the incident had occurred as described by 'S' in the FIR registered vide C.R. No.608/2023. The said FIR is lodged

belatedly after one day; in the present context it assumes importance because it gives corroboration to the submissions of learned counsel for the Applicants that C.R. No.608/2023 was lodged as a counter-blast to involve the Applicants' falsely.

10. Thus, *prima facie* it appears that the offence is registered against the Applicants with malafide intentions. Therefore, they can be granted protection under Section 438 of Cr.P.C. Hence, the following order :

**ORDER**

- (i) In the event of their arrest in connection with C.R.No.608/2023 registered at Tasgaon Police Station, District-Sangli, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)