

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

ANTICIPATORY BAIL APPLICATION NO. 1094 OF 2024

Savakar Sadashiv Jadhav	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Satyavrat Joshi i/b. Yash Ganesh Fadtare for Applicant.
Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.775 of 2023 registered at Wai Police Station, Satara, on 08.09.2023, under sections 307, 324, 323, 143, 147, 148, 149, 427, 504 and 506 of the Indian Penal Code.
2. Heard Mr. Satyavrat Joshi, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.
3. The F.I.R. is lodged by one Sachin Mankumbre. He has stated that, there was a dispute between the informant's family and the family of the present applicant. The applicant's son Mohan

had constructed a tin shed in Survey No.44/2. The applicant's family used to go through the agriculture land of the informant's property. The informant was put to inconvenience and, therefore, he was opposing that. On that ground, there was a dispute.

4. On 08.11.2023 in the morning at 7:00a.m. there was a quarrel between the informant's cousin and the applicant and his son. The applicant and his son went home and came there shortly carrying weapons. The applicant was having a stick, his son was having an iron rod, one Lakhan Jadhav was having an iron rod and others were having iron rods. Some ladies also accompanied them. Thereafter there is description of the assault by all the members of the applicant's group on the informant's group. The main assault was caused by the applicant's son Mohan on the informant's cousin Sandeep on his head. The allegations against the applicant are that, he assaulted one Rekha and one Kalawati with wooden stick. On these allegations the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the F.I.R. is exaggerated. Even otherwise, the applicant had played a

very minor role. He could not have shared a common intention or common object with his son when his son had assaulted Sandeep on his head. He further submitted that the applicant has suffered paralytic stroke in March 2024. He produced the medical papers in that behalf. They are taken on record. The medical certificate shows that the applicant was admitted to I.C.U. and was treated in a private hospital. He submitted that, on humanitarian ground also the applicant can be protected.

6. Learned APP relied on the copy of the charge-sheet annexed to this application. She relied on the injury certificate and also relied on the statements of two witnesses i.e. Rekha and Kalawati.

7. I have considered these submissions. One Sandeep Mankumbre from the informant's group had suffered head injury. It was caused by the applicant's son. The others have suffered simple injuries. The role attributed to the applicant is about causing injury to Rekha and Kalawati. Out of them, Rekha's statement does not clearly show that the applicant had actually

assaulted her. The description is somewhat vague. In the statement of Kalawati, she has attributed a specific role to the present applicant, but she had suffered a minor injury on the right leg. It was a contusion of the size 1cm x .5cm x .5cm. Thus, though the applicant allegedly had a wooden stick, he had caused a very minor injury. That injury could have been possible during the incident without use of weapon, as well. Therefore, the applicant's role mentioned in the F.I.R. and in the charge-sheet appears to be doubtful. The allegations against him are vague. Therefore, it is difficult to observe that he had shared common object with his son Mohan. There is a possibility of exaggeration and false implication in this case; as far as the present applicant is concerned. Apart from that, the applicant has suffered paralytic stroke recently. This is an additional humanitarian ground on which I am inclined to grant relief to the applicant.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.775 of 2023 registered at Wai Police

Station, Satara, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)