

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1998 OF 2024**

Suraj Mohan Gade and others	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Shailesh D. Chavan, i/b. Shrikant Panhale for applicants.

Mr. Bapu V. Holambe-Patil, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 09th AUGUST, 2024

P.C. :

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0220 of 2024 dated 19.05.2024 registered at Satara Taluka Police Station, District Satara for offences under Sections 323, 327, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. At the outset, the learned counsel for the applicants submits that this is a case of cross-FIRs and that prior to the subject FIR, FIR No.0218 of 2024 was registered on 17.05.2024 in the very same police station for offences under Sections 323, 329 and 506 read with Section 34 of the IPC, wherein the applicant No.1 was the informant. It is submitted that in the said prior FIR, the statement of the applicant No.1 was recorded in the Civil Hospital, where he was admitted for treatment, in the light of the injuries suffered due to the assault allegedly inflicted upon him by Datta Jadhav-Patil and others.

4. The learned counsel for the applicants submitted that applicant No.2 was driving a truck carrying sand through a village when the accused persons in FIR No.0218 of 2024 attacked him. At that time, applicant No.1 was called at the spot and he was also assaulted. It is submitted that the subject FIR is obviously an afterthought and a counterblast in the light of the earlier FIR registered at the behest of the applicant No.1.

5. On the other hand, the learned APP has opposed the prayer made in the present application, submitting that specific overt acts have been alleged against the applicants and therefore, this Court may not grant relief to the applicants.

6. The applicant No.1 appears to have suffered injuries in the incident in question and the FIR registered at his behest is clearly prior in point of time, as it was registered on 17.05.2024 at 01:27 a.m. pertaining to an incident of 16.05.2024 in the night. The subject FIR in the present application was registered after almost 2 days on 19.05.2024 at 04:06 p.m. *Prima facie*, there is substance in the contention raised on behalf of the applicants that the FIR, which is the subject matter of the present application, appears to be a counterblast and an afterthought.

7. In view of the above, the applicants have made out a *prima facie* case in their favour and relief can be granted so long as they are ready to co-operate with the investigation.

8. Accordingly, the application is allowed on the following terms:

- (i) In the event the applicants are arrested in connection with FIR No.0220 of 2024 dated 19.05.2024 registered at Satara Taluka Police Station,

District Satara, they shall be released on bail on furnishing PR Bonds of ₹ 25,000/- each and one or two sureties in the like amount;

- (ii) the applicants shall remain present before the Investigating Officer on 12.08.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon them to remain present;
- (iii) the applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case;
- (iv) the applicants shall co-operate with the investigation and also in the proceedings before the trial court.

9. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(MANISH PITALE, J)