

3. The applicants are shown as accused Nos.6 and 7 in FIR No. 0212 of 2024 dated 4th July 2024 registered at Kamti Police Station, Dist. Solapur, for the offences under Sections 118(2), 118(1), 115(1), 140(4), 352, 351(2), 351(3), 189(2), 191(2), 191(3) and 190 of the BNS.

4. The offences pertain to causing hurt, grievous hurt, abduction of the victim, criminal intimidation and intentional insult with intent to breach the peace.

5. According to the informant, on the place and time of the incident, the co-accused persons forcibly took him on a motorcycle to co-accused Shatrughna Jadhav, who assaulted the informant and during the incident, the applicants, who are brothers of the said co-accused Shatrughna Jadhav, also allegedly assaulted the informant by way of rope and the applicant No.2 allegedly tied the feet of the informant with a rope. This resulted in injuries suffered by the informant, leading to registration of the aforesaid offences.

6. The learned counsel for the applicants submitted that this is a case of cross FIRs, as an FIR with regard to the very same incident was registered prior in point of time, wherein son of the co-accused Shatrughna Jadhav is the informant and the informant in the present case is an accused person. It is submitted that the co-accused Shatrughna Jadhav is a witness in respect of another case, wherein the informant is the accused in respect of an earlier FIR registered on 18th October 2023, wherein *inter alia*, offences under Sections 376(2)(n) and 323 of the Indian Penal Code, 1860 (IPC) have been registered against the informant. It is indicated that in the backdrop of enmity of the informant with the accused persons in the present case, the instant FIR has been registered.

7. It is further submitted that during the pendency of the anticipatory bail application before the Sessions Court, the applicants were granted interim protection and they cooperated with the investigation by appearing before the Investigating Officer. It is submitted that considering the role ascribed to the applicants, as also the fact that the applicants undertake to continue to cooperate with the investigation, this Court may allow the present application. It is brought to the notice of this Court that the applicants have no criminal antecedents and the co-accused Shatrughna Jadhav has been granted regular bail by the Sessions Court.

8. On the other hand, the learned APP submitted that considering the specific role attributed to the applicants as regards the incident in question and the injury certificate concerning the present case, it is evident that the applicants were present at the place and time of the incident and they along with the co-accused persons inflicted injuries on the body of the informant. It is submitted that therefore, no indulgence may be shown to the applicant. As regards the FIR registered against the informant, it is submitted that even if the said FIR was registered prior in point of time, there are hardly any injuries suffered by any of the alleged victims and on the other hand, the informant in the present case did suffer number of injuries, due to which FIR in the present case came to be registered later. In any case, the FIR was registered in about 5 to 6 hours of the incident in question. It is submitted that

even if there is some material to show enmity between the parties, considering specific role attributed to the applicants, the application may be dismissed.

9. The material on record indeed show that this is a case of cross FIRs. There are two versions to the incident of violence. The present FIR was registered after the earlier FIR was registered, wherein the informant in the present case is shown as one of the accused persons. The other FIR registered on 15th October 2023 at the same Police Station against the informant, also appears to be relevant, for the reason that in the statement of the informant, leading to registration of the FIR, the informant himself has referred to the fact of involvement of co-accused Shatrughna Jadhav as a witness in the aforementioned earlier case registered against the present informant on 18th October 2023. Thus, there is indeed background of enmity between the rival parties, indicating the manner in which the rival parties have been registering cases against each other.

10. Be that as it may, it cannot be denied that in the statement of the informant, leading to registration of the present FIR, specific role is indeed attributed to the applicants. It is stated that the applicants assaulted the informant by way of a rope and that applicant No.2 tied his feet while co-accused Shatrughna Jadhav continued to assault. There are injuries found on the body of the informant as per the injury certificate, but the injuries have not been classified as either simple or grievous.

11. But, considering the background of the incident and the fact that the parties appear to be having enmity against each other, as also the fact that the main role in the present case appears to be attributed to the co-accused persons and the applicants having appeared before the Investigating Officer when interim order was operating in their favour before the Sessions Court, this Court is inclined to grant relief to the applicants, subject to appropriate conditions.

12. The learned APP has indicated that considering the enmity between the groups, unless appropriate conditions are imposed, there is possibility of further incidents happening. Therefore, this Court is of the opinion that stringent conditions will have to be imposed. It is relevant that co-accused Shatrughna Jadhav, against whom major role is attributed, has been already granted regular bail by the Sessions Court. In that light, the application is allowed in the following terms :

(a) In the event the applicants are arrested in connection with FIR No. 0212 of 2024 dated 4th July 2024 registered at Kamti Police Station, Dist. Solapur, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicants shall remain present before the Investigating Officer on 5th and 6th August 2024 between

10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicants shall cooperate with the investigation.

(c) Since the informant is stated to be a resident of village Kurul, Tal-Mohol, Dist. Solapur, till the filing of the charge-sheet, the applicants shall not enter village Kurul, Tal-Mohol, Dist. Solapur.

(d) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other person concerned with the case.

13. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application.

14. The application is disposed of.

MANISH PITALE, J.