

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2817 OF 2024**

1. Pralhad s/o. Kisan Jaigude
2. Vijay Jaisingh Jaigude
3. Kiran s/o. Namdeo Deshmukh (Gadhve)
4. Gaurav s/o. Narayan Jadhav ... Applicants
vs.
The State of Maharashtra and another ... Respondents

Mr. A. R. Salve, i/b. Mr. Rajabhau S. Chaudhari for applicants.

Mr. Kiran C. Shinde, APP for respondent No.1-State.

Mr. Chandrakant Munjse, PSI, Wai Police Station, District Satara.

**CORAM : MANISH PITALE, J.
DATE : 16th OCTOBER, 2024**

P.C. :

1. Heard learned counsel for the applicants and the learned APP for respondent No.1-State.

2. The applicants are apprehending arrest in connection with FIR No.0259 of 2022 dated 15.07.2022, registered at Wai Police Station, District Satara for offences under Sections 192, 196, 323, 341, 379, 380, 394, 395, 427, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The FIR was registered on the basis of an application filed before the Judicial Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.PC.). It appears that the contents of the FIR are nothing, but reproduction of the application moved before the Magistrate.

4. The informant has named a number of persons as accused, including ladies. The incident in question concerns a shed belonging to the informant, which was allegedly attacked and destroyed by the accused persons, in the backdrop of a property dispute between the informant and his brother Namdeo, who was also arraigned as an accused. Subsequently, the aforesaid Namdeo expired.

5. The learned counsel for the applicants relies upon an order dated 10.09.2024 passed in Anticipatory Bail Application No.2401 of 2024, whereby five co-accused persons, all being ladies, were granted relief of anticipatory bail by this Court. He submits that while granting relief to the co-accused persons, this Court specifically took note of a civil dispute between the parties and pendency of a civil suit, wherein the informant is the plaintiff and one of the co-accused persons is defendant No.2. It is submitted that in the backdrop of the civil dispute, the said FIR has been registered and there is every possibility of roping in all the members of the family as also, exaggeration in the allegations levelled against them.

6. On the other hand, the learned APP submits that one of the factors taken into consideration, while granting relief to the co-accused persons, was that they were all ladies. In the present case, according to the learned APP, the FIR shows the overt acts attributed to the applicants and therefore, the ingredients of the offences are made out and no indulgence may be shown to the applicants.

7. This Court has carefully considered the material on record and the statement of the informant, leading to registration of FIR. It is a virtual reproduction of the application filed by the informant before the Magistrate

under Section 156(3) of the Cr.P.C. It is to be noted that while describing the alleged incident concerning the attack on the shed belonging to the informant, large number of family members have been roped in, including senior citizens and ladies. It is significant that a civil suit is also pending and there is a property dispute between two branches of the same family.

8. In this regard, the following portion of the order dated 10.09.2024 passed in Anticipatory Bail Application No.2401 of 2024, is relevant:

- “7. It is undisputed that all the applicants before this Court are females. Applicant Nos.1 and 5 are senior citizens, aged about 65 years, while applicant No.4 is a young girl aged about 11 years. Applicant Nos.2 and 3 are women, who are also arraigned as accused persons.
8. Considering the statement of the informant, which led to registration of the FIR, *prima facie*, it appears that the informant has roped in all the members of the family, including women and even applicant No.4, a girl child of about 11 years age, in the backdrop of a bitter family/property dispute between the informant and the now expired Namdev. The said Namdev was the brother of the informant.
9. In such cases, it is often seen that the incident in question and the role attributed to the accused is stated in an exaggerated manner. It is also relevant to note that a civil suit is pending, wherein the informant is the plaintiff and the applicant No.1 is defendant No.2. She is widow of the now expired accused-Namdev, who was the brother of the informant. Considering these facts, this Court is of the opinion that the applicants have made out a case for granting them relief.”

9. This Court is of the opinion that the aforesaid reasoning would apply to the applicants, to the extent that the FIR has been registered in the backdrop of the civil dispute regarding property dispute between the two

branches of the family and there is possibility of the allegations being exaggerated and a tendency to rope in each and every member of a particular branch of the family. There is nothing to show that the applicants are either habitual offenders or they have any criminal antecedents. They are ready to co-operate with the investigation and hence, this Court is inclined to allow the present application.

10. In view of the above, the application is allowed in the following terms:

- (a) In the event the applicants are arrested in connection with FIR No. 0259 of 2022 dated 15.07.2022 registered at Wai Police Station, District Satara, they shall be released on bail on furnishing PR Bonds of ₹ 10,000/- each and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicants shall co-operate with the investigation and shall remain present before the Investigating Officer on 18.10.2024 and thereafter, as and when required by the Investigating Officer.
- (c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

11. 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.

12. The application is disposed of.

(MANISH PITALE, J)