

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

ANTICIPATORY BAIL APPLICATION NO. 3035 OF 2024

Navnath Hanumant Mane	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Ashutosh Thipsay a/w Prabhakar M. Jadhav for the Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.
Mr. Vikas Shivarkar for Intervenor/Victim.
Mr. Manoj M. Bagade, Head Constable, Akluj Police Station, Dist. Solapur.

CORAM: MANISH PITALE, J.
DATE : 11th NOVEMBER 2024

P.C. :

. Heard learned counsel for the applicant, learned APP for the respondent-State and learned counsel having instructions to appear on behalf of the first informant.

2. The applicant is apprehending arrest in connection with FIR No. 0532 of 2024 dated 21st September 2024 registered at Akluj Police Station, Dist. Solapur, for offences under Sections 115(2), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. As per the informant, he suffered several grievous injuries at the hands of the accused persons, including the applicant, on 20th September 2024. The incident appears to have taken place in the

backdrop of a quarrel between the son of the applicant and the informant.

4. The learned counsel for the applicant has placed much emphasis on the fact that this is a case of cross FIRs, as another FIR, wherein the applicant is the informant, was registered in the very same police station bearing FIR No. 0535 of 2024 registered on the same day, a few hours after the subject FIR was registered. It is submitted that the same incident has two versions and there is enough material to show that the applicant also suffered injuries in the incident. Apart from this, it is highlighted that the alleged weapons of assault have been recovered and therefore, there would be no purpose in insisting upon the physical custody of the applicant, particularly when the co-accused person i.e. the son of the applicant is already arrested.

5. The learned APP and the learned counsel appearing on behalf of the first informant, opposed the present application, submitting that specific role is attributed to the applicant in the incident in question. It is submitted that the statements of witnesses corroborate the version of the first informant as regards the presence and involvement of the applicant and that the injury certificate in the present case clearly shows as many as 8 grievous injuries suffered by the first informant (victim).

6. This Court has perused the material on record in the light of the rival submissions. This Court is inclined to allow the present

application, for the following reasons :

- (a) This is a case of cross FIRs, where there are two versions of the same incident. The applicant, who is the first informant in the cross FIR, has suffered injuries in the incident.
- (b) The statement of the informant in the subject FIR shows that although he has specifically named the applicant, a general allegation is made against him along with three other co-accused persons of having used the handle of a shovel made of fiber, while assaulting the informant (victim). The use of other weapons is attributed to co-accused persons and not specifically to the applicant.
- (c) The other specific allegation levelled against the applicant is that he had picked up a stone with an intention to further carry out the assault, but as a matter of fact, the stone was never used, in the light of the fact that the persons present at the time of the incident intervened.
- (d) The documents on record *prima facie* indicate that even the applicant appeared to have suffered injuries and he is indeed the informant in the cross FIR.
- (e) The documents on record clearly show that all the alleged weapons used in the assault, including the handle of a shovel made of fiber have been recovered.

- (f) The applicant is ready to cooperate with the investigation and therefore, the application can be allowed.
- (g) The anxiety expressed on behalf of the first informant that the applicant may interfere with or influence the informant and other witnesses, can be taken care of by imposing specific condition on the applicant.

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

- (a) In the event the applicant is arrested in connection with FIR No. 0532 of 2024 dated 21st September 2024 registered at Akluj Police Station, Dist. Solapur, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 13th and 14th November 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer. The applicant shall cooperate with the investigation.
- (c) The applicant shall not enter the jurisdiction of Akluj Police Station, Dist. Solapur, till filing of the charge-sheet, except for abiding by condition (b) hereinabove.
- (d) The applicant shall not tamper with the evidence

of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant 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 applicant in the present application.

10. The application is disposed of.

MANISH PITALE, J.