

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3123 OF 2024

1. Rajendra Sampat Shirke
 2. Suresh Sampat Shirke
- ...Applicants

Versus

The State of Maharashtra

...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 3149 OF 2024

Rajendra Shankar Dhumal

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Piyush Toshniwal i/b Mr. Gaurav Nankar, for Applicant in ABA/3123/2024.
- Mr. Vivek N. Arote, for Applicant in ABA/3149/2024.
- Mr. Prasanna P. Malshe (in ABA/3123/2024), APP for Respondent – State
- Mr. Bapu V. Holambe-Patil (in ABA/3149/2024), APP for Respondent – State
- Mr. Nilesh Vishnu Kalukhe, H.C. Phaltan City Police Station

CORAM : MANISH PITALE, J.

DATE : 25th NOVEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and learned APPs for the respondent-State.
2. Although these two applications arise from separate First Information Reports (FIRs), since this is a case of cross-FIRs, both the applications have been taken up for consideration together.

3. The applicant No.1 in Anticipatory Bail Application No.3123 of 2024, is the informant in the FIR registered against the applicant in Anticipatory Bail Application No.3149 of 2024. Similarly the reverse is also truth.

4. This Court is informed that the applicants were on interim bail for a period of about two months during the pendency of their anticipatory bail applications before the Sessions Court. Eventually the applications were dismissed.

5. A perusal of the two FIRs i.e. FIR No.0196 of 2024, dated 15th April, 2024, registered at Police Station Phaltan City, District Satara and FIR No.0197 of 2024, dated 16th April, 2024, registered at the very same police station shows that there are two versions to the same incident, which is said to have occurred at about 10:00 p.m. on 15th April, 2024.

6. The nature of the allegations indicate that the victims in both cases have suffered some simple injuries and that the incident has its genesis in a property dispute between the parties. This Court is further informed that the parties are related to each other and that there are earlier criminal complaints and civil proceedings initiated by the parties against each other.

7. Although the statements of the informants, leading to

registrations of the two FIRs indicate that overt acts have been attributed to the accused in the respective FIRs, this Court is of the opinion that in the light of the backdrop of dispute regarding property between the parties and the nature of allegations levelled against each other, upon imposing appropriate conditions anticipatory bail can be granted.

8. *Prima facie*, this does not appear to be a case of a preplanned assault launched by either party against the other. The allegations indicate that in the backdrop of a property dispute, the parties engaged in a heated exchange, ultimately leading to violence inflicted upon each other.

9. Hence, Anticipatory Bail Application No. 3123 of 2024 is allowed in the following terms :

(A) In the event the applicants i.e. (1) Rajendra Sampat Shirke and (2) Suresh Sampat Shirke are arrested in connection with FIR No.0196 of 2024, dated 15th April, 2024, registered at Police Station Phaltan City, District Satara, they shall be released on bail, on furnishing PR Bonds of ₹25,000/- each with one or two sureties each in the like amount, to the satisfaction of the Trial Court.

(B) The said applicants shall remain present before the Investigating Officer on 27th November, 2024, between

10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.

- (C) The applicants shall not indulge in any such act of violence against the informant, so as to attract registration of any further offence.
- (D) The applicants shall cooperate with the investigation.
- (E) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

10. Hence, Anticipatory Bail Application No. 3149 of 2024 is allowed in the following terms :

- (A) In the event the applicant i.e. Rajendra Shankar Dhumal is arrested in connection with FIR No.0197 of 2024, dated 16th April, 2024, registered at Police Station Phaltan City, District Satara, they shall be released on bail, on furnishing PR Bond of ₹25,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 28th November, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.

- (C) The applicant shall not indulge in any such act of violence against the informant, so as to attract registration of any further offence.
- (D) The applicant shall cooperate with the investigation.
- (E) The applicant shall not tamper with the evidence in any manner. He 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.

12 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 applications and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

13. The applications are disposed of.

(MANISH PITALE, J.)