

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

**CR. ANTICIPATORY BAIL APPLICATION NO. 356 OF 2024**

Shivaji Yogiraj Raut

...Applicant.

*Versus*

The State Of Maharashtra

...Respondent

Mr. Atul R Patil appeared through VC for the Applicant.

Ms Mahalaxmi Ganapathy, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J**

**DATED : 8<sup>th</sup> FEBRUARY, 2024**

**P.C.:**

1. The Applicants are seeking anticipatory bail in connection with C.R. No. 1038 of 2023 registered at Wakad Police Station, Pimpri Chinchwad u/s. 326, 324, 323, 143, 147, 148, 149, 506 of IPC, u/s. 4 & 25 of the Arms act, u/s. 37(1) & 135 of the Maharashtra Police Act and u/s. 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013

2. Heard Mr. Patil, learned counsel for the Applicant and Ms. Ganapathy, learned APP for the Respondent-State.

3. The Applicant is the brother-in-law of the first informant i.e. husband of the informant's wife's sister. The FIR is lodged by one Yogesh. He has stated that he got married with his wife - Sonali in

the year 2015. They have a daughter from their marriage. There used to be frequent quarrels between the couple. His wife had gone to reside at her parents' house. They was residing at Loni Kalbhor. There were litigation pending between the husband and the wife. The informant was paying maintenance to his wife. But, looking at the welfare of the daughter they started residing together from 07/05/2023. But even thereafter there used to be quarrels. The Applicant and his family members had threatened the informant.

4. It is the case of the informant that his wife used to give him some objectionable articles through his food. It is his case that she was performing some black-magic. The informant recorded conversations between his wife and the person, who was instigating her and giving her those articles. The informant had told the family of his wife to tell her to stop these things.

5. On 20/10/2023, in the midnight, informant's wife's parents, her brothers and the present Applicant came to the informant's house. There was some discussion in the presence of the landlord Mehtre, who left after some time. Suddenly the wife started assaulting the informant. The informant's father-in-law assaulted the informant with a wooden stick. The informant's brother-in-law gave a blow with sickle on the informant's head. The informant's mother-in-law threw

chili powder in the informant's eyes. There are general allegations that others continued to beat the informant. The informant struggled with them. He shouted. The other residents gathered there. Then he was taken to the hospital by the wife's family. He was first taken to a hospital at Thergaon and then he was admitted to YCM Hospital. After that the FIR is lodged.

6. Learned Counsel for the Applicant submitted that there is no specific role attributed to the Applicant. The incident occurred on the spur of the moment. The wife's family had not gone with the intention to cause assault. After the initial quarrel, it escalated into this incident. Even then, no role is attributed to the present Applicant. He relied on the order passed by this Court in ABA/237/2024 vide order dated 29/01/2024 in which the Applicant's wife - Amruta was granted anticipatory bail. The allegations against the Applicant are similar. Therefore, learned Counsel for the Applicant claimed parity for the present Applicant.

7. Learned APP could not distinguish the Applicant's role from that of his wife's role. The allegations alleged against both of them are similar.

8. I have considered these submissions. The informant suffered serious wound over the parietal region of the size 8 cm x 1 cm x 1

cm. There were abrasions over the back, neck and cheek. There was redness of the left eye of the informant. The serious injuries are attributed to the informant's brother-in-law and mother-in-law. The Applicant is neither attributed any weapon nor any specific role. Allegations against him are exactly similar as those against the Applicant's wife. Thus, the principle of parity applies. In this view of the matter Applicant can be protected u/s. 438 of the Cr.P.C.

9. Hence, the following order:

**ORDER**

- (i) In the event of his arrest in connection with C.R. No. 1038 of 2023 registered at Wakad Police Station, Pimpri Chinchwad, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**