

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

ANTICIPATORY BAIL APPLICATION NO. 578 OF 2024

1. Vaibhav Janardhan Tandel	
2. Jayvant Janardan Tandel	..Applicants
Versus	
The State of Maharashtra	..Respondents

Mr. Vijay Kurle (appeared through VC), for Applicants.
Mr. C.D. Mali, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 1 MARCH 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R. No. 40 of 2024 registered at Arnala Police Station, on 26th January 2024 under sections 326, 323, 141, 143, 147, 148, 149 , 504, 506 of the Indian Penal Code.

2. The FIR is lodged by one Arvind Meher. He has stated that on 26th January 2024 at about 3.30pm. he was present in his agricultural land. At that time he saw that the present applicants, Suresh, Sangeeta etc. were working next to their land. That work

was in respect of their resort. The first informant questioned the applicants and others regarding that work. At that time applicant Vaibhav abused him and threatened him . There was a quarrel. Both the applicants assaulted him with kicks and fist blows. It is further alleged that the applicant Vaibhav picked up an iron rod and gave blow on the informant's head. Applicant Jayvant assaulted him with wooden plank. The others intervened. Thus, the FIR is lodged.

3. Heard Mr. Kurle, learned Counsel for the applicants and Mr. Mali, learned APP for the State.

4. The Learned Counsel for the applicants submitted that the incident is not correctly described. In fact, the applicant Vaibhav himself has lodged FIR bearing C.R.No. 41 of 2024 at the same Arnala Police station under sections 324, 323, 354 etc. The applicant has recorded the incident on his mobile phone. At that time the informant in this case Arvind had pushed him and had started beating him. One Haribhau assaulted Vaibhav and the informant Arvind Meher also outraged modesty of Vaibhav's wife.

It is his case that Arvind broke a beer bottle on his own head and claimed that he was assaulted by the applicants. On this basis, the applicant-Vaibhav has lodged his FIR. Learned Counsel for the applicants submitted that the applicants are falsely implicated. The Informant Arvind and his group were the aggressors.

5. Learned APP on instructions of Investigating Officer accepted the fact that the incident has taken place where the applicants and their group were standing. The informant Arvind and his group had gone to that place. In any case, this is also mentioned in the FIR. Hence it is undisputed that the informant and others had gone to the place where the applicants and others were carrying on their work. It clearly means that the informant and his group were aggressors. The applicants were not carrying any weapons. They allegedly had picked up a rod and a plank lying nearby. Then it was a free fight between the two groups. Arvind has suffered one CLW on his parietal region of the size 6 x 1 x ½ cm.. But his group had gone to the applicants' place and had started quarreling. Taking overall view of the matter, the applicants can be protected under section 438 of Cr. P.C.

6. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R. No. 40 of 2024 registered at Arnala Police Station, the applicants are directed to be released on bail on their executing P. R. bond in the sum of Rs. 30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- ii) The applicants shall cooperate with the investigation.
- iii) The application is allowed and disposed of accordingly.

(SARANG V. KOTWAL, J.)