

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

ANTICIPATORY BAIL APPLICATION NO. 1163 OF 2024

Kisan Dagadu Jagtap

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Asit Chaware a/w. Tanveer Patel for Applicant.

Mr. Nitin B. Patil, APP for State/Respondent.

Mr. Sandeep Phatak a/w. Heena Mistry a/w. Adhik Kadam for Complainant.

CORAM : SARANG V. KOTWAL, J.

DATE : 30 APRIL 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.249 of 2024 registered at Hinjwadi Police Station, Pimpri-Chinchwad, on 06.03.2024, under sections 326, 324, 323 and 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Asit Chaware, learned counsel for the applicant, Mr. Nitin Patil, learned APP for the State and Mr. Sandeep Phatak, learned counsel for the Complainant.

3. The F.I.R. is lodged by one Madhukar Jagtap. He has stated that, there was family dispute in respect of Gat No.314,

Sangavde road. The dispute was pending before the S.D.O. Bavdhan. On the date of incident i.e. on 05.03.2024 the informant had attended the case. When he came out of that office, the present applicant and his grandson Tushar started abusing him. The quarrel escalated further. When the informant was going towards his vehicle, Tushar took a stick from the present applicant and gave a blow on the informant's head causing bleeding injury. The informant fell down. The other unknown persons assaulted him with kicks and fist blows. The applicant pelted stones on the back and legs of the informant. He also threatened the informant that he would kill the informant's son after giving him a chocolate. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant is 88 years of age. He tendered a copy of the birth certificate showing the applicant's date of birth as 05.05.1936. The copy is taken on record. He submitted that the allegations against the applicant are absurd. The applicant has not played any role. The allegations are against his grandson Tushar.

5. Learned APP opposed these submissions. He produced the investigation papers before the Court. He relied on the injury certificate of the informant.

6. Learned counsel for the informant vehemently opposed this application. He submitted that, Section 34 is invoked. The stick was given by the applicant and the applicant had pelted stones on the informant.

7. I have considered these submissions. The informant had suffered C.L.W. on temporal parietal region of the size 3cm x 2cm x 1cm. It was described as grievous injury. This injury is specifically attributed to the applicant's grandson Tushar. In any case, the applicant appears to be of 88 years of age. According to the informant's counsel the applicant is 74 years of age, even then he was of advanced age. There was hardly any allegation against the present applicant. Considering the weak allegations against the applicant and considering his advanced age, his custodial interrogation is absolutely not necessary.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.249 of 2024 registered at Hinjwadi Police Station, Pimpri-Chinchwad, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)