

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

ANTICIPATORY BAIL APPLICATION NO.1192 OF 2024

Pravin Bhagwan Devkate & Anr.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Prashant Hagare, Advocate for Applicants.
- Mr. Nitin B. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th APRIL, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.136/2024, dated 17/03/2024, registered with Walchand Nagar Police Station, Pune Rural, under sections 327, 354, 324, 323, 504, 506 of the Indian Penal Code and under sections 4, 25 of the Arms Act and under section 135, 37(1)(c) of the Maharashtra Police Act.

2. Heard Mr. Prashant Hagare, learned counsel for the Applicants and Mr. Nitin B. Patil, learned APP for the State.

3. The FIR is lodged by the victim herself. She has stated that there was a dispute between her family and the family of the present Applicants. They were closely related. The Applicant No.1 is the son of the Applicant No.2. The incident in question occurred on 12/03/2024 at about 10.30 a.m. It is alleged that when the informant and her family members were going towards their agricultural land for spreading fertilizers, at that time, the Applicants' family stopped them. The Applicant No.2's husband Bhagwan was having a sickle. The Applicant No.2 was having another sickle. The Applicant No.1 was having an iron rod. It is alleged that they started assaulting the informant's family. It is alleged that during the incident, the Applicant No.1 outraged the informant's modesty. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the Applicant No.2 herself had lodged her own FIR vide C.R.No.133/2024 at the same police station under section 326 and other sections of IPC, in which she had described the actual

incident. The husband of Applicant No.2 had suffered fracture of his right hand. Learned counsel has produced medical certificate to that effect. It is taken on record and marked 'X' for identification.

5. Learned APP opposed this application. But he conceded that the informant's side has suffered only simple injuries.

6. I have considered these submissions. From the FIR and the cross FIR, it is quite clear that there was enmity between the two families. Therefore, there is a strong possibility of false implication. The Applicant No.2's husband had suffered fracture of his hand. In this view of the matter, story mentioned in the FIR against the Applicants appears to be doubtful. The Applicants can be protected u/s 438 of Cr.P.C.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.136/2024, dated 17/03/2024, registered

with Walchand Nagar Police Station, Pune Rural,, the Applicants are directed to be released on bail on their furnishing PR 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 application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)