

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

ANTICIPATORY BAIL APPLICATION NO. 1249 OF 2024

YUGANDHARA
SHARAD
PATIL

Bhagwan Hanumant Devkate

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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by
YUGANDHARA
SHARAD PATIL
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Mr. Prabhat S. Hagare, for the applicant.

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

CORAM :SARANG V. KOTWAL, J.

DATE : 6th MAY, 2024

P.C. :

1. The Applicant is 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 Applicant and Mr. Nitin B. Patil, learned APP for the State.

3. The FIR is lodged by the victim. She has stated that there was a dispute between her family and the family of the present Applicant. The Applicant was brother of the informant's father in law and there was dispute about a land and the common road. The incident in question had occurred on 12/03/2024. It is alleged that when the informant and her family members were going towards their agricultural land for spreading fertilizers, at that time, the Applicant's family stopped them. It is alleged that the Applicant was having sickle and Applicant's wife was having another sickle. Their son was having an iron rod. It is alleged that he assaulted informant's family. Applicant's son allegedly outraged modesty of the informant. The allegations against the Applicant are that he assaulted his own brother Laxman with his weapon and assaulted Applicant's other brother Vitthal with fist and kick blows. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant's wife had lodged one more FIR vide C.R.No.133/2024 at the same police station under section 326 of I.P.C. and other

sections of I.P.C., in which she had described the actual incident. The Applicant had suffered fracture of his right hand. Learned counsel submitted that the Applicant's son and wife are granted anticipatory bail vide order dated 29/04/2024 passed in ABA No. 1192 of 2024. He claimed parity. He relied on the observations in that order that the learned APP had conceded that the informant's side has suffered only simple injuries.

5. Learned APP opposed this application based on the allegations in the FIR and referring to the specific role assigned to the Applicant.

6. I have considered these submissions. I have noted in the aforesaid order that the informant's side had suffered only simple injuries. I find that the Applicant has suffered fracture of his hand. Therefore, the allegations in the FIR appear to be exaggerated and not completely true. The Applicant's son and wife are protected by that order. Therefore principles of parity also apply in favour of the Applicant. In this view of the matter,

the Applicant's custodial interrogation is not necessary. He can be protected under section 438 of Cr.P.C.

7. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R.No.136/2024, dated 17/03/2024, registered with Walchand Nagar Police Station, Pune Rural, 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 Applicant shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)