

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

ANTICIPATORY BAIL APPLICATION NO.1266 OF 2024

Fulvanta Manohar Jadhav Applicant
Versus
The State of Maharashtra Respondent

Mr. Prabhakar Pandey, Advocate a/w. Shahjahan Vasaya, for
the Applicant.

Ms. Madhavi H. Mhatre, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.303/2023 dated 1.9.2023 registered at Hill Line Police Station, Thane under sections 307, 324, 323, 504 read with 34 of IPC.

2. Heard Mr. Prabhakar Pandey, learned counsel for the Applicant and Ms. Madhavi Mhatre, learned APP for the Respondent-State.

3. In this case the other accused were arrested and the charge sheet is already filed. The investigation is over. The prosecution case is reflected in the FIR lodged by one Krishna Jadhav. He has stated that there was a dispute regarding the ancestral land between the informant's family and the Applicant's family. They were related with each other. On 1.9.2023 there was some quarrel between the Applicant and the informant's family. At 3.00 p.m. the informant and his cousin Ashok were passing from the road. They saw that the Applicant and her family members were cultivating that land. The informant objected. There was a quarrel. In the meantime, the accused Suraj Jadhav brought an iron pipe from his house and gave a blow on Ashok's head and right eye. It is alleged that the accused Kishor abused and gave blows on the informant's hand and Ashok's head. It is alleged that the Applicant assaulted the informant on his hand. After that the FIR was lodged.

4. Learned counsel for the Applicant submitted that the Applicant herself had lodged her own FIR vide C.R.

No.304/2023 at the same police station under Sections 324, 323, 504 read with 34 of IPC. He submitted that in that incident the Applicant, Sapna Patil and Suraj were assaulted by Krishna's family members. He submitted that in any case the Applicant has not played any role in the incident.

5. Learned APP opposed these submissions on the basis of the investigation carried out so far and based on the submissions of the eye witnesses and the injury certificates.

6. I have considered these submissions. There are statements of eye witnesses Sainath and Yogesh. They have not specifically named the Applicant but they have stated that two ladies were assaulting the informant's group.

7. The injury certificate of Krishna shows that he had suffered the following two injuries :

- (i) Swelling of left wrist joint; &
- (ii) Tenderness of left upper back. Both these injuries were described as simple injuries.

8. According to Krishna, he was assaulted on his hand by Kishor as well as by the present Applicant. However,

there is only one simple injury on his hand. Therefore, it appears that his version is exaggerated and the Applicant's role is not established.

9. Ashok has suffered two grievous injuries on the head. Undoubtedly there are grievous injuries but the significant feature in this case is that the incident had occurred on the spur of moment. The accused Suraj Jadhav went to his house and brought an iron rod and gave blows on Ashok's head. Similar role is attributed to Kishor of giving blow on Ashok's head. Thus, there was no pre-meditation on the part of the present Applicant with those two accused. She has not caused any grievous injury. Therefore, at this stage there is scope to believe that she did not have any common object or common intention to commit grievous hurt on the injured Ashok. The Applicant is a lady. The allegations against her are doubtful. In this view of the matter, the Applicant can be protected under Section 438 of Cr.PC..

10. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.303/2023 registered at Hill Line Police Station, Thane , the applicant is directed to be released on bail on her furnishing PR 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.)

Deshmane (PS)

Digitally signed
by
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PRAKASHRAO
DESHMANE
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2024.05.09
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