

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

ANTICIPATORY BAIL APPLICATION NO.1333 OF 2024

Jyotiram Balu Mane & Anr.	..Applicants
Versus	
The State of Maharashtra	..Respondent

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Ms. Manisha Devkar i/b. Mr. Prashant S. Hagare, for Applicant.
Mr. Nitin B. Patil, APP for State/Respondent.

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CORAM :- SARANG V. KOTWAL, J.
DATE :- 09 MAY 2024

P.C. :-

1. The Applicants are seeking anticipatory bail in connection with C.R.No.154 of 2024 registered at Walchand Nagar Police Station, Pune Rural on 31st March 2024 under Sections 326, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.
2. Heard Ms. Manisha Devkar, learned counsel for the Applicants and Mr. Nitin Patil, learned APP for the State.
3. The F.I.R. is lodged by one Suraj Pawar. The F.I.R. mentioned that one Nitin Mane was harassing the informant's cousin. Therefore, she had lodged a complaint with the Police

Station against Nitin. From that point onwards there was enmity between the two families. The incident in question took place on 29th March 2024 at about 10:30 p.m. After a religious ceremony, the Applicant's group including the present Applicants came near the informant's family at about 10:30 p.m. Nitin was saying that he would abduct the informant's cousin. There was a quarrel between the two groups. The people in the area pacified both the parties. The informant and other started returning home. At that time Nitin came from behind and gave a blow with an iron fighter on the informant's mouth breaking his tooth. The Applicant came there alongwith others and assaulted the informant with fists and kicks blows. On this basis the F. I. R. is lodged.

4. Learned counsel for the Applicant submitted that Nitin Mane had lodged his own F. I. R. No.155 of 2021 under section 326 of the IPC. In that case Nitin has suffered fracture on his leg. The incident is correctly described in his F. I. R. All these facts are not mentioned in the F. I. R. against the present Applicants.

5. Learned APP opposed these submissions and he

produced the injury certificate before the Court.

6. I have considered these submissions. The first informant Suraj has suffered minor injuries and one injury to his tooth. There is no definite opinion about that injury. But even assuming that tooth was broken, that particular act is specifically attributed to Nitin. The incident is described in two parts. The injury caused to the informant by Nitin was in the first part of the incident. After that the present Applicants and others came there and assaulted others with fists and kick blows. At this stage it is difficult to observe that both these Applicants had shared common object or common intention to cause grievous hurt to the informant Suraj. On the other hand Nitin Mane himself has suffered a fracture of his right leg. It was a grievous injury. There are other two simple injuries on his thigh, arm and back. These injuries are not even referred to by informant Suraj Pawar. There is no indication or explanation as to how Nitin has suffered those injuries. Thus, it is clear that there is exaggeration in the F. I. R. lodged against the Applicants. There is hardly any role attributed to the present Applicants. They had not even used any weapon.

Therefore, the Applicants can be protected under Section 438 of the Cr.P.C.

7. Hence, the following order.

ORDER

- i) In the event of their arrest in connection with C.R. No.154 of 2024 registered at Walchand Nagar Police Station, Pune Rural, the Applicants are directed to be released on bail on their executing P. R. bonds in the sum of ₹30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)

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