

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1425 OF 2024

1. Ananda Raghunath Narote
2. Samadhan Ashok Narote
3. Ramdas Ananda Narote
4. Dattu Ananda Narote
5. Nilesh Ramdas Narote ... Applicants
Vs.
State of Maharashtra ... Respondent

Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar and Savvy Kolhekar for Applicants.
Mr. Mayur S. Sonavane, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 15, 2024

P.C. :

. Heard Mr. Vagal, learned counsel for the applicants and Mr. Sonavane, learned APP for the respondent-State.

2. On 17.05.2024, the learned APP then appearing on behalf of the respondent-State, on instructions of the investigating officer, made a statement that the applicants would not be arrested subject to the condition that they would co-operate with the investigation.

3. The aforesaid statement was accepted. The said order also directed the applicants to attend the concerned police station every Thursday between 10:00 a.m. and 12:00 noon for three weeks and to co-operate with the investigation. There is nothing to show that the applicants have failed to abide by the directions issued in the aforementioned order.

4. The applicants are seeking relief in the present application in

connection with FIR No.0088 of 2024 dated 19.03.2024 registered with Chandwad Police Station, District - Nashik Rural, for offences under Sections 143, 147, 148, 149, 323, 324, 326, 427, 504 and 506 of the Indian Penal Code, 1860 (IPC).

5. This is a case of cross-FIRs wherein one of the co-accused persons i.e. Bhagwan A. Narote is the informant in the cross-FIR. In the said incident, the husband of co-accused Seetabai Narote i.e. Ashok Narote died and hence, the cross-FIR pertains to an offence under Section 302 of the Indian Penal Code, 1860 (IPC) also.

6. This Court (Coram : Sarang V. Kotwal), by an order dated 24.04.2024 granted relief of anticipatory bail to the co-accused persons, who are ladies. It was specifically noted that the husband of the co-accused Seetabai Narote died in the incident. The relevant observation in the said order reads as follows:-

“5. Learned APP opposed these submissions. She produced the investigation papers which show the injury certificate of Bhamabai and Komal. Komal had suffered simple injuries. Bhamabai suffered fracture of her hand. The other male members have suffered other injuries. However, the crucial question in this case is that the FIR does not even refer to the injuries suffered by the applicant No.1 Seetabai’s husband Ashok Narote, which has resulted in his death. Thus, it is quite clear that it is free fight and one member of the Applicants’ group has suffered a the fatal injury. In this view of the matter, the Applicants’ custodial interrogation, particularly when the Applicant No.1 has lost her husband in the same incident; is not necessary.”

7. The learned counsel for the applicants submits that although there are allegations made against the applicants in the statement leading to registration of the FIR, the above-quoted observation in the order granting anticipatory bail to the co-accused persons ought to inure to the benefit of the applicants also. It is submitted that the applicants have co-operated with the investigation by abiding by the directions issued by

this Court.

8. The learned APP submits that the statement of the informant clearly sets out the details of the weapons used by the applicants at the date and time of the incident. Considering the fact that the offence under Section 326 of the IPC is registered against the accused persons, this Court may not show any indulgence to the applicants.

9. The above-quoted observation made by this Court, while granting relief to the co-accused persons must inure to the benefit of the applicants also, inasmuch as it is specifically noted that this was a case of free fight in which one of the members of the group belonging to the applicants i.e. Ashok Narote died. The dispute appears to have its genesis in a land dispute between the two groups. Although the statement of the informant does attribute specific roles to the applicants, including use of certain weapons, it is to be noted that in the present case, the most serious offence registered against the accused persons, including the applicants, is offence under Section 326 of the IPC. On the other hand, the aforementioned person belonging to the group of applicants i.e. Ashok Narote lost his life, when members of the other group carried out the assault.

10. The applicants have abided by the directions issued by this Court while granting them interim relief. On the last occasion when interim relief was granted, the learned APP then appearing for the State had made a statement, on instructions of the investigating officer, that so long as the applicants co-operate with the investigation, they would not be arrested.

11. In this backdrop, this Court is inclined to confirm the interim order and allow the application. Accordingly, the interim order dated 17.05.2024 is confirmed and the application is allowed. The applicants

shall continue to co-operate with the investigation. They shall not tamper with the evidence and they shall not influence the informant, witnesses or any other person concerned with the case.

12. The application stands disposed of.

(MANISH PITALE, J.)

Minal Parab