

4. As per the statement of the informant on 26th April 2024 at 7:30 p.m., the four accused persons confronted the informant in

the backdrop of earlier disputes and thereafter, abused him and violently assaulted him. This resulted in injuries and also broken tooth. On the basis of the aforesaid statement, the subject FIR came to be registered.

5. The learned counsel appearing for the applicant submits that the statement of the informant is based on a concocted incident as no such incident took place on 26th April 2024. It is submitted that therefore, specific role being attributed to the two applicants before this Court may not be taken into consideration. It is emphasized that while the incident is said to have been taken place on 26th April 2024 at about 7:30 p.m, the informant gave his statement to the Police after three days on 29th April 2024 at 23:53 hours.

6. It is further brought to the notice of this Court that on 21st April 2024 i.e. about 5 days prior to the alleged incident concerning the present case, an FIR was registered at the behest of the mother of the applicant No.2 against the informant in the present case along with other persons. It is submitted that there is a dispute between the parties due to the reason that the applicant No.1 is alleged to be having an affair with the sister of the informant. This backdrop is recorded in the FIR registered in the very same Police Station on 21st April 2024 at the behest of the mother of the applicant No.2 against the informant and others. Therefore, it is submitted that since the applicants are ready to cooperate with the investigation and to abide the conditions that

may be imposed by this Court, the application may be allowed.

7. On the other hand, the learned APP submits that the victim i.e. the informant was violently assaulted in the present case and this is evident from the statement leading to registration of the FIR. Attention of this Court is invited to certain medical certificate and documents that have come to light during the course of investigation. Such documents show injuries inflicted on the informant, including a grievous injury. It is submitted that since the informant was undertaking medical treatment, the delay in registration of the FIR, may not be taken as the relevant factor while considering the present application.

8. This Court has perused the material on record. The subject FIR shows that while, according to the informant, the incident took place at about 7:30 p.m. on 26th April 2024, the FIR was registered after delay of three days i.e. on 29th April 2024 at 23:53 hours. This is a relevant factor, for the reason that an FIR came to be registered five days before the alleged incident at the behest of the mother of the applicant No.2 against the informant in the present case along with the other accused persons. In the said FIR, it is recorded that there is dispute between the parties on the basis that the applicant No.1 is alleged to be having an affair with the sister of the informant. The aforesaid material gives rise to a *prima facie* case in favour of the applicants, particularly, because there is indeed a delay of three days in registration of the FIR in the present case.

9. As regards the specific role attributed to the applicants before this Court and the corresponding injuries suffered by the informant, a perusal of the papers relied upon by the learned APP shows that the medical certificate has been issued by a private hospital. There is no explanation as to why the medical examination of the informant (victim) not undertaken before a Government hospital. The medical certificate issued by the private hospital shows two simple injuries and one traumatic extraction of a single tooth. This traumatic extraction of a single tooth is classified as a grievous injury in the said certificate. Even if that being so, the delay in registration of the FIR may could be justified by claiming that the informant (victim) was undergoing medical treatment.

10. In view of the above, this Court is of the opinion that the application deserves to be allowed. But, appropriate conditions will have to be imposed on the applicants to ensure that no further incident takes place, as there appears to be enmity between the two groups.

11. In view of the above, the application is allowed in the following terms :

- (a) In the event the applicants are arrested in connection with FIR No. 0160 of 2024 dated 29th April 2024 registered at Upnagar Police Station, Nashik, for

the offences under Sections 325, 323, 504 and 506 read with 34 of the IPC, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicants shall remain present before the Investigating Officer on 26th June 2024 and thereafter, as and when required by the Investigating Officer, till filing of the charge-sheet. The applicants shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other person concerned with the case.

12. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application.

13. The application is disposed of.

MANISH PITALE, J.