

related to the applicants.

4. The learned counsel for the applicants at the outset, points out that with regard to the very same incident, an FIR has been registered in the very same Police Station, wherein the applicant No.2 is the informant. It is submitted that the applicant No.1 suffered injuries in the incident, one of which is a grievous injury, due to which the liver of the applicant No.1 is injured and there is said to be collection of fluid inside his body. It is submitted that the said injury required treatment and hence, the FIR was registered at the behest of the applicant No.2 on 31st May 2024, although the incident took place on 23rd May 2024. It is submitted that the subject FIR in the present case is nothing but an afterthought and counterblast, as it is registered on the next i.e. 1st June 2024.

5. Attention of this Court is invited to the Medico-Legal Certificate, showing injuries suffered by the applicant No.1. It is submitted that since the informant in the present case and his associates were the aggressors and they gave provocation to the applicants in the said incident, *prima facie*, if at all, offence under Section 335 of the IPC could have been registered against the applicants and not offence under Section 326 of the IPC. The offence under Section 335 of the IPC being a bailable offence, it is submitted that this Court may consider the present application favourably.

6. On the other hand, the learned APP submits that the injuries suffered by the informant's brother in the instant case, indicate that the statement made by the informant as regards genesis of the incident and the role of the applicants is correct and that this Court may not entertain the present application.

7. But, when this Court put a query to the learned APP as to whether the informant in the present case, who is accused in the FIR registered at the behest of the applicant No.2 has been granted any relief by the competent Court, it is stated that in the FIR registered at the behest of the applicant No.2, the accused (informant herein) has been granted anticipatory bail.

8. Considering the aforesaid material, particularly, the fact that cross FIRs have been registered with regard to the very same incident and also the fact that FIR was registered at the behest of the applicant No.2, prior in point of time, coupled with the fact that there is material to indicate injuries suffered by the applicant No.1, including a grievous injury to his liver, this Court is inclined to allow the present application.

9. Accordingly, the application is allowed in the following terms :

(a) In the event the applicants are arrested in connection with FIR No.0296 of 2024 dated 1st June 2024 registered at Malegaon Taluka Police Station, Nashik (Rural), 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, as and when called. They 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.

10. 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.

11. The application is disposed of.

MANISH PITALE, J.