

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

ANTICIPATORY BAIL APPLICATION NO. 1733 OF 2024

1. Sagar Eknath Satav		
2. Chaitnya Dilip Satav		
3. Rohit Amber Shinde		
4. Pandurang Balkrushna Warghade	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Adv. Manjiri Parasnis a/w Sayli Wani for the Applicants.
Mr. Babu V. Holambe-Patil, APP for Respondent-State.
Mr. C. C. Thorbole, API, Lonikand Police Station, Dist. Pune.

CORAM: MANISH PITALE, J.
DATE : 28th JUNE 2024

P.C. :

1. Heard learned counsel for the applicants and learned APP for respondent-State.

2. The applicants before this Court are apprehending arrest in connection with FIR No. 0384 of 2024 dated 20th April 2024 registered at Lonikand Police Station, Dist. Pune, for offences under Sections 323, 326 and 341 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The learned counsel for the applicants submits that in the present case, one of the applicants is a partner in a firm, which entered into an agreement for carrying construction at the plot where the incident is alleged to have occurred. It is submitted that

the informant and others were at the said plot claiming that they had the right to carry out construction. This led to a quarrel between the parties. It is submitted that there are cross FIRs in the present case and that the FIR lodged at the behest of applicant No.2 was registered immediately on the next date i.e. 18th April 2024, while the subject FIR, wherein the applicants are arraigned as accused persons, was registered after three days i.e. 20th April 2024. It is further submitted that although, the statement of the informant describes assault by means of fist and kicks, bomboo stick, as also kitchen knife, corresponding injuries are not found on the alleged victim. It is submitted that in fact, the applicants suffered in the said quarrel and FIR at their behest bearing No. 0374 of 2024 was already registered in the same Police Station on 18th April 2024.

4. The learned APP submits that the investigation papers reveal that, not only the private hospital to which the victim was admitted for treatment, but also the Sassoon Hospital at Pune has classified the injury on the knee as a grievous injury and the presence of the applicants is clearly established by their statements at the time when the quarrel took place on the date and time of the incident. On this basis, it is submitted that this Court may allow the present application.

5. The documents on record show that while applicant No.2 caused FIR to be registered with regard to the said incident on 18th April 2024, the subject FIR has been registered about three days

after the date of the incident i.e. 20th April 2024. It is significant to note that while the informant has attributed specific role to the applicants, including assault by means of bamboo stick and kitchen knife, the medical treatment documents on record do not show any injury inflicted by means of kitchen knife. The documents indicate injury to the knee of the victim and such injury is shown to be low grade sprain of the ligament. This is evident from the injury certificate issued by the Sassoon Hospital at Pune. Although, the nature of injury is stated to be grievous injury, the injury certificate itself records that the Anterior Cruciate Ligament (ACL) reconstruction is intact.

6. Considering the fact that cross FIRs have been registered in the present case; there is no injury by means of kitchen knife as alleged by the informant; as also the fact that the injury in the present case is recorded as a low grade sprain, considering the delay in registration of the FIR and the fact that the applicants do not have any criminal antecedents, this Court is inclined to allow the present application, subject to the applicants remaining present before the Investigating Officer and cooperating with the investigation.

7. 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.0384 of 2024 dated 20th April

2024 registered at Lonikand Police Station, Dist. Pune, 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 1st July 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. They shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicants, in no case, shall contact the informant. They shall not tamper with the evidence of the prosecution in any manner and they shall not influence the informant, witnesses or any other person concerned with the case.

8. 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.

9. The application is disposed of.

MANISH PITALE, J.