

Ms. Priyanka H. Chavan i/b. Mr. Nikhil Gole for Applicants.
Mr. Kiran Chandrakant Shinde, APP for Respondent-State.

4. The applicants are apprehending arrest in connection with FIR No.0056 of 2024 dated 13.03.2024 registered at Bhore Police Station, District - Pune (Rural), for offences under Sections 323, 324, 336 and 504 read with Section 34 of the Indian Penal Code, 1860 (IPC). It is brought to the notice of this Court that subsequently, offences under Sections 354 and 506 of the IPC were added. Prior to the said offences being added, all the other offences are bailable. It is specifically

submitted that the subject FIR is an afterthought and a counterblast to FIR No.0055 of 2024 dated 12.03.2024 registered at the behest of the applicant No.1, concerning the very same incident. It is submitted that on the date and time of the incident, the applicants were assaulted and they as well as their minor child suffered injuries at the hands of the accused persons. The persons named as accused in the said FIR, lodged at the behest of the applicant No.1, were arrested and they were granted bail. In that light, it is submitted that this Court may favourably consider the present application.

5. The learned APP confirms the fact that this is a case of cross FIRs and that the FIRs have been registered in respect of the very same incident, which occurred in the intervening night of 10.03.2024 and 11.03.2024.

6. A perusal of the papers on record indeed shows that the applicants themselves were seriously injured in the incident. The injury certificates at pages 67 and 68 show that both the applicants suffered grievous injuries, including head injuries during the incident. The applicant No.1 lodged FIR No.0055 of 2024 at 11:26 p.m. and offences were registered against the accused persons. They were released on bail.

7. The subject FIR i.e. FIR No.0056 of 2024 was registered after 24 hours on 13.03.2024 at about 11:53 p.m. The aforesaid facts indeed show that the FIR against the applicants appears to be an afterthought and a counterblast. The material placed on record shows the extent of injuries suffered by the applicants as well as their minor child. There is nothing to indicate that the applicants would not co-operate with the investigation or that they are a flight-risk. Therefore, this Court is inclined to allow the present application, subject to imposing appropriate conditions.

8. 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.0056 of 2024 dated 13.03.2024 registered at Bhore Police Station, District - Pune (Rural), they shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one or two sureties in the like amount;
- B. The applicants shall appear before the investigating officer on 15.07.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

9. In case any of the aforesaid conditions are violated, the present order would be liable to be cancelled.

10. The application stands disposed of.

(MANISH PITALE, J.)

Minal Parab