

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

ANTICIPATORY BAIL APPLICATION NO. 1945 OF 2024

1. Bhaskar Rambhau Jadhav		
2. Arun Bhaskar Jadhav		
3. Usha Rajendra Jadhav	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Akshay Bankapur for the Applicants.
Mr. Sagar R. Agarkar APP for Respondent-State.
PSI – P. T. Tagad, Vadner Bhairav Police Station, Nashik.

**CORAM: MANISH PITALE, J.
DATE : 18th JULY 2024**

P.C. :

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

2. This application is filed by three of the four accused persons as they apprehend arrest in connection with FIR No. 0166 of 2024 dated 9th June 2024 at Vadner Bhairav Police Station, Nashik, for offences under Sections 323, 324, 504 and 506 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant has alleged that the applicants along with accused Rajendra Jadhav, assaulted the informant/victim by means of fist, stick and axe in the backdrop of a dispute pertaining to boundary of agricultural field. This resulted into injuries, not only

to the informant but also to the applicants, leading to registration of the FIR.

4. The learned counsel appearing for the applicants submits that this is a case of cross FIRs, as FIR No.0167 of 2024 dated 9th June 2024, pertaining to the same incident was registered at the very same Police station, wherein co-accused Rajendra Jadhav was the informant. This Court is informed that the dispute is between brothers i.e. Dilip Jadhav and Rajendra Jadhav. It is submitted that in the FIR registered at the behest of the co-accused Rajendra Jadhav, the incident is described in detail, wherein Rajendra Jadhav himself has suffered injuries and his wife i.e. applicant No.3 Usha Jadhav suffered injuries. It is submitted that the main accused person in the said FIR is the informant in the subject FIR. It is emphasized that in the statement of the said Rajendra Jadhav, leading to registration of FIR No. 0167 of 2024, it is specifically stated that applicant No.2-Arun Jadhav was not even present at the place of the incident and that the CCTV footage confirms the fact that the said applicant Arun Jadhav arrived at the spot after the incident had occurred. It is further submitted that even if the statement of the informant Dilip Jadhav concerning the subject FIR is to be taken in consideration, the main role is alleged to be that of Rajendra Jadhav.

5. The learned APP has opposed the prayer made in the present application and he has produced the investigation papers, to show that the victims in the present case have suffered injuries,

emphasizing that the informant Dilip Jadhav has actually suffered grievous injury, which can be attributed to the role ascribed to applicant No.3-Usha Jadhav.

6. This Court has perused the material on record in the light of the rival submissions. This is a case of cross FIRs pertaining to very same incident. The FIRs have been registered in succession one after the other. The subject FIR was registered at 06:09 p.m. and the cross FIR was registered at the behest of co-accused Rajendra Jadhav at 07:35 p.m. on the same date.

7. It appears that the dispute pertaining to boundary of agricultural field led to violence between siblings and there were injuries suffered by both the parties. In the statement of the informant Dilip Jadhav concerning the present FIR, it can be seen that the assault by means of axe is attributed to co-accused Rajendra Jadhav. It has been alleged that the applicant No.1-Bhaskar Jadhav and applicant No.2-Arun Jadhav assaulted by means of fists and applicant No.3-Usha Jadhav allegedly assaulted by way of wooden stick.

8. A perusal of the injury certificate, copy of which is produced by the learned APP for the perusal of this Court, shows that the only grievous injury suffered by the informant Dilip Jadhav is attributed to a hard and sharp object, which in the present case can be said to be the axe that was allegedly used by co-accused Rajendra Jadhav. Therefore, it can be said, at this stage, that even

if the applicant No.3-Usha Jadhav used a stick to assault the informant, the grievous injury may not be attributable to the said assault. As far as Bhaskar Jadhav and Arun Jadhav are concerned, the only overt act alleged against them is that they assaulted the informant by way of fists.

9. Considering the aforesaid material and the specific role attributed to the applicants before this Court, coupled with the fact that this is a case of cross FIRs, where persons belong to the rival parties have suffered injuries, this Court is inclined to allow the present application.

10. 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. 0166 of 2024 dated 9th June 2024 at Vadner Bhairav Police Station, Nashik, they shall be released on bail on furnishing PR Bond of Rs.15,000/- 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 22nd July 2024 and thereafter, as and when called by the Investigating Officer. The applicants shall cooperate with the 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.

11. 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.

12. The application is disposed of.

MANISH PITALE, J.