

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

ANTICIPATORY BAIL APPLICATION NO. 1952 OF 2024

1. Yallappa @ Gundappa Tukaram Jadhav
2. Mahadev Tukaram Jadhav ...Applicants

Versus

The State of Maharashtra ...Respondent

- Mr. Ritesh Thobde a/w Ms. Zubi Ansari and Ms. Ankita Pramod Rai, for Applicants.
- Mr. Tanveer Khan, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 26th July, 2024.

P. C. :

1. Heard, Mr. Ritesh Thobde, learned counsel for the applicants and Mr. Tanveer Khan, learned APP for the State.

2. The applicants in this application are apprehending arrest in connection with First Information Report No.0222 of 2024, dated 23rd May, 2024, registered at Police Station Valsang, District Solapur, for the offences under Sections 143, 147, 148, 149, 307, 324, 323, 427, 504 and 506 of the Indian Penal Code (IPC).

3. The applicants are two of the six accused persons in the incident said to have taken place on 20th May, 2024, at about 09.30 p.m.

4. The learned counsel for the applicants submits that this is a case

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of cross-FIRs, wherein the present FIR was lodged subsequent to FIR No.0221 of 2024, registered on 22nd May, 2024, wherein the accused No.1 in the present case was the informant.

5. It is submitted that even if the statement of the informant, leading to registration of the FIR, is to be taken into consideration, only the presence of the two applicants is mentioned, with a further general allegation that they hit the informant – victim by way of fists and kicks. It is submitted that the other accused persons were alleged to have been armed with weapons like sword and axe, leading to injuries to the informant.

6. It is further brought to the notice of this Court that co-accused Sanjay @ Pintu Dattatray Jadhav, who was alleged to have assaulted the informant by way of an axe, was granted anticipatory bail by the Sessions Court by order dated 12th July, 2024. On this basis, the applicants seek relief from this Court.

7. On the other hand, learned APP submits that the presence of the applicants is clearly stated by the informant and since the allegation of unlawful assembly is also made against the accused persons, so long as the presence of the applicants is established with a further overt act of having assaulted the informant by way of fists and kicks, they ought not to be granted any relief.

8. A perusal of the FIR and the statement of the informant leading to registration of the FIR indeed shows that while specific role has been attributed to other accused persons, who were said to have been armed with sword and axe, as regards the applicants, only statement is that they were present at the place and time of the incident and they allegedly assaulted the informant by way of fists and kicks. Thus, even if the statement of the informant is to be accepted, bodily injuries said to have been caused to the informant cannot be attributed to the applicants.

9. It is also evident from the material placed on record that the subject FIR was lodged subsequent to the earlier FIR lodged against the informant and other persons at the behest of the person, who is arraigned as accused No.1 in the present FIR. This is a case of cross-FIRs lodged by the rival parties against each other.

10. It is also relevant that the accused Sanjay @ Pintu Dattatray Jadhav, who is alleged to have used axe to assault the informant, was granted anticipatory bail by the Sessions Court. In the order dated 12th July, 2024, the Sessions Court has taken note of the fact that MLC of the Medical Officer does not tally with the specific allegation made against the said accused person, pertaining to blows given by means of an axe.

11. In view of the above, this Court is of the opinion that so long as the applicants are ready to cooperate with the investigation, the relief of anticipatory bail deserves to be granted.

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

- (A) In the event both the applicants are arrested in connection with FIR No.0222 of 2024, dated 23rd May, 2024, registered at Police Station Valsang, District Solapur, for the offences under Sections 143, 147, 148, 149, 307, 324, 323, 427, 504 and 506 of the Indian Penal Code (IPC), they shall be released on bail, on furnishing P.R. Bond of ₹ 15,000/- and one or two sureties in the like amount.
- (B) The applicants shall remain present before the Investigating Officer on 29th July, 2024 at 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicants shall cooperate with the investigation.
- (D) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

13. Needless to say, violation of any of the aforesaid conditions may

result in this order being cancelled.

14. The application is disposed of.

(MANISH PITALE, J.)