

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

ANTICIPATORY BAIL APPLICATION NO. 1978 OF 2024

1. Ranjana Laxman Jadhav		
2. Bharat Hanumant Chougule		
3. Gaurav Bharat Chougule	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Amit Icham for the Applicants.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Sunil Bapurao Kadam, Police Naik, Indapur Police Station,
Pune (Rural).

CORAM: MANISH PITALE, J.
DATE : 26th JULY 2024

P.C. :

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

2. The applicants are apprehending arrest in connection with FIR No. 0250 of 2024 dated 11th March 2024 registered at Indapur Police Station, Pune (Rural), for offences under Sections 143, 147, 149, 324, 327, 323, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. The applicants are three of five accused persons in the present case. In the statement of the informant, leading to registration of the FIR, it is alleged that the applicants got hold of

the informant and that the applicant No.1 hit the informant by way of fists and kicks. The other two accused persons are alleged to have assaulted the informant by way of a stone, causing injuries to the informant.

4. The learned counsel for the applicants submits that in the present case, the FIR suffers from delay, as the incident occurred on 21st November 2023, while the FIR was registered after about 3 and ½ months i.e. on 11th March 2024. He further submits that in respect of the very same incident, the applicant No.1 had approached the Police Station and on her statement, FIR No. 1231 of 2023 dated 21st November 2023 was already registered against the informant in the present case and two other accused persons. On the basis of the statement given by the applicant No.1 in the said FIR, offences were registered under Sections 323, 324, 447, 504 and 506 read with Section 34 of the IPC. On this basis, it is submitted that this is a clear case of counterblast and an afterthought on the part of the informant in order to falsely implicate the applicants and other accused persons.

5. It is further submitted that in any case, the role attributed to the applicants is only of presence and alleged assault by way of fists and kicks. It is not even alleged that any weapon was used by the applicants and therefore, this Court may consider the present application favourably.

6. On the other hand, the learned APP informs this Court that

the injury report clearly shows that the informant suffered one grievous injury and two simple injuries. The grievous injury was on the face of the informant, which tallies with the description of the incident given by the informant. It is further submitted that the presence of the applicants is clearly stated as they restrained the informant while the other accused persons launched the assault on the informant. As against the applicant No.1, there is a specific allegation of assault by way of fists and kicks.

7. This Court put a specific query to the learned APP, as to what was revealed in the investigation carried out in pursuance of the said FIR No. 1231 of 2023 dated 21st November 2023 registered against the informant in the present case and other two accused persons, at the behest of the applicant No.1. The learned APP sought time to apprise this Court with regard to the details of the same. In this situation, considering the fact that the FIR in the present case was registered after about 3 and ½ months after the date of the incident and considering the role attributed to the applicants before this Court, a case for granting interim relief is made out.

8. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicants are arrested in connection with FIR No. 0250 of 2024 dated 11th March 2024 registered at Indapur Police Station, Pune (Rural), they shall be released on bail on furnishing PR Bond of

Rs.15,000/- each and one or two sureties in the like amount.

- (b) The applicants shall co-operate with the investigation and they shall remain present before the Investigating Officer as and when called by the Investigating Officer.
- (c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

9. In the event, the applicants violate any of the aforesaid conditions, the order passed today would be recalled.

10. List this application for further consideration on 23rd August 2024 (High on Board).

MANISH PITALE, J.