

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2010 OF 2024**

Harshad Mohan Kindre and others	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Aadesh Kondedeshmukh a/w. Mr. Sainath S. Garade for applicants.

Mr. Bapu V. Holambe-Patil, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 14th AUGUST, 2024**

P.C. :

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

2. The applicants herein are some of the accused persons apprehending arrest in connection with FIR No.0084 of 2024 dated 03.04.2024 registered at Bhore Police Station, District Pune Rural, for offences under Sections 143, 144, 147, 148, 326, 325, 324, 323, 504, 436, 427 and 149 of the Indian Penal Code, 1860 (IPC).

3. The first informant has alleged that at the cremation ground, he was assaulted by the accused persons and he has made specific allegations against the applicants herein about the manner in which they inflicted violence on his body, resulting in injuries. It is stated that since the informant was taken to hospital, he could approach the police after delay, as the incident occurred on 24.03.2024, while the FIR was registered on 03.04.2024.

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4. The learned counsel for the applicants submitted that this is a case of cross-FIRs, wherein the subject FIR is registered after 10 days of occurrence of the incident, while an earlier FIR was registered within hours of the aforesaid incident dated 24.03.2024 i.e. on 25.03.2024 at 00:44 hours in the midnight. It is submitted that the first informant concerning the present FIR is the lone accused person and the informant therein is applicant No.4. He submitted that the genesis of the incident is an act on the part of the first informant in the present case i.e. Prakash Sadubhau Badhe in reaching the cremation ground and forcibly taking out the dead body of the grandmother of applicant No.4 from the burning funeral pyre and pushing it towards the edge of the cremation ground. It is submitted that the background and the cross-FIRs ought to be taken into consideration, while deciding the present application.

5. On the other hand, the learned APP submitted that a perusal of the statement of the first informant in the present case, which led to registration of subject FIR, indeed shows specific role attributed to each of the applicants with the weapon used by each one of them, to inflict violence on the first informant. Nevertheless, it is acknowledged by the learned APP that the cross-FIR was registered on 25.03.2024 itself and that it pertained to the very same incident, wherein the aforementioned allegation is made against the first informant in the present case. It is submitted that the injury certificate co-relates with the allegations made against the applicants and accused persons.

6. At first blush, considering the allegations made in the statement of the first informant, it appeared that this application for anticipatory bail may not

be considered. But, on a proper reading of the material on record, this Court finds that the cross-FIR dated 25.03.2024 bearing No.0071 of 2024, registered against the first informant herein at the behest of applicant No.4, assumes significance. The incident described in the statement, which led to registration of the cross-FIR, describes the act attributed to the informant herein. If the statement given by applicant No.4, which led to registration of cross-FIR is read, it comes through that the first informant in the present case i.e. Prakash Sadubhau Badhe is alleged to have carried out the most reprehensible act of taking out the corpse of the dead grandmother of applicant No.4 from the burning funeral pyre, pushing it to the edge of the cremation ground. It has been brought to the notice of this Court that the said first informant i.e. Prakash Sadubhai Badhe had been opposing establishment of cremation ground at the place where it exists.

7. The nature of allegations made against the first informant is very serious and although violence can never be condoned, the act of the first informant equally appears to be highly provocative. It is also significant that the cross-FIR was registered within hours of the incident, while the present FIR came to be registered after about 10 days. While the first informant may have some explanation for the delay in the form of treatment taken at the hospital, as a perusal of the statement of the first informant in the present case indicates that till 27.03.2024, he was taking treatment and thereafter, he was discharged. Filing of the FIR on 03.04.2024 i.e. a good 7-8 days after being discharged from the hospital is an aspect that cannot be ignored.

8. This Court is of the opinion that in such circumstances, the applicants have made out a case for granting anticipatory bail, so long as they are ready to co-operate with the investigation.

9. In view of the above, the application is allowed in the following terms:
- (i) In the event the applicants are arrested in connection with FIR No.0084 of 2024 dated 03.04.2024 registered at Bhore Police Station, District Pune Rural, they shall be released on bail on furnishing PR Bonds of ₹ 25,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court;
 - (ii) the applicants shall remain present before the Investigating Officer on 16.08.2024 and 17.08.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon them to remain present;
 - (iii) 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;
 - (iv) The applicants shall co-operate with the investigation and also in the proceedings before the trial court.
10. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.
11. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.
12. The application stands disposed of.

(MANISH PITALE, J)