

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2165 OF 2024

Chetan Vijay Bhosale ... Applicant
Vs.
State of Maharashtra ... Respondent

AND
ANTICIPATORY BAIL APPLICATION NO.2166 OF 2024

Nilesh Navnath Gurgule ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Suraj N. Naik i/b. Mr. Ghanasham Jadhav for Applicants in both the Applications.

Mr. R. M. Pethe, APP for Respondent-State in both the Applications.

Mr. Shrikrishna Deokar, Police Constable, Bhigwan Police Station.

CORAM : MANISH PITALE, J.
DATE : AUGUST 21, 2024

P.C. :

. Heard Mr. Naik, learned counsel for the applicants and Mr. Pethe, learned APP for the respondent-State in both the applications.

2. The applicants apprehend arrest in connection with FIR No.0204 of 2024 dated 05.06.2024 registered with Bhigwan Police Station, District - Pune Rural, for offences under Sections 143, 147, 323, 327, 452, 504, 506 and 384 of the Indian Penal Code, 1860 (IPC) as also under Section 135 of the Maharashtra Police Act, 1951.

3. Both the applicants have been arraigned as accused persons on the basis of a statement of the informant Anita Bandgar. It is alleged that on the date and time of the incident, the applicants along with co-accused persons had dinner at a restaurant run by the informant and her sons.

They refused to pay the entire bill, which led to an altercation. Thereafter, the applicants along with co-accused persons went to the residence of the informant and threatened the informant and her sons. It is alleged that the accused persons demanded amount of Rs.5,000/- towards extortion. In the process, they snatched cash amount and gold *mangalsutra* of the informant.

4. The learned counsel for the applicant submits that the subject FIR is clearly an afterthought and a counterblast to an earlier FIR registered at the behest of the co-accused Rushikesh Savane. It is submitted that the aforesaid earlier FIR describes the manner in which the incident actually occurred. In the said FIR, it is recorded that the sons of the informant herein, after the accused persons had dinner at the restaurant, misbehaved with them, abused them in the name of their caste and even assaulted the informant therein i.e. Rushikesh Savane, leading to injury. After the said FIR was registered on 05.06.2024 at 4:50 hours in the morning, as an afterthought, the subject FIR was registered on the same day in the evening at 1738 hours. On this basis, it is submitted that this Court may consider allowing the present application.

5. The learned APP fairly submits that there is indeed an injury certificate showing that the said Rushikesh Savane, who was the informant in the earlier FIR, had suffered injury, which is relatable to the allegation made by the said person leading to registration of the earlier FIR. It is submitted that this is indeed a case of cross FIRs.

6. This Court finds that there are two versions of the said incident. The subject FIR registered at the behest of the informant herein is registered subsequently i.e. after about 12 hours of registration of the earlier FIR. One of the co-accused persons in the present FIR is the informant in the earlier FIR. The injury certificate brought to the notice of this Court indicates that the informant therein indeed suffered injury,

which is relatable to the manner in which the assault was made.

7. In that light, there appears to be substance in the contention raised on behalf of the applicants that the present FIR could be said to be an afterthought and a counterblast. In any case, the allegations in the present FIR are general in nature and it is alleged that gold *managalsutra* of the informant along with cash was snatched and taken away.

8. The applicants before this Court have not been attributed with any specific role and therefore, this Court is inclined to allow the present applications.

9. In view of the above, the applications are allowed in the following terms:-

- A. In the event the applicants are arrested in connection with FIR No.0204 of 2024 dated 05.06.2024 registered with Bhigwan Police Station, District - Pune Rural, they shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] each with one or two sureties in the like amount;
- B. The applicants shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 23.08.2024 and thereafter as and when required by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

10. 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 and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. The applications are disposed of.

(MANISH PITALE, J.)

Minal Parab