

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2447 OF 2024**

1. Pratik Sunil Waghmare			
2. Sunil Shankar Waghmare	...	Applicants	
vs.			
The State of Maharashtra	...	Respondent	

Mr. Dipak Y. Jadhav, i/b. Rahul K. Dhaigude for applicants.

Mr. Mayur S. Sonavane, APP for respondent-State.

Mr. R. B. Sonwalkar, H.C., Lonand Police Station, District Satara.

**CORAM : MANISH PITALE, J.
DATE : 13th SEPTEMBER, 2024**

P.C. :

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

2. The applicants are apprehending arrest in connection with FIR No.0285 of 2024 dated 22.06.2024 at Lonand Police Station, District Satara for offences under sections 327, 324, 323, 504 and 506 read with section 34 of the Indian Penal Code, 1860 (IPC).

3. The learned counsel for the applicants submits that this is a case of cross-FIRs and the wife of the applicant No.2 is the informant in the cross-FIR i.e. FIR No.0286 of 2024 registered on 23.06.2024, only a few hours after the registration of the subject FIR at the very same police station. The informant in the present FIR is an accused in the cross-FIR.

4. It is submitted that the parties are related to each other and in the backdrop of a family dispute, there are two versions of the incident in question. It is submitted that in the present FIR, although specific overt acts

have been attributed to the applicants, the same ought to be appreciated in the backdrop of the family dispute and the cross-FIRs. It is submitted that the allegation of snatching away of mobile and cash is clearly an exaggeration and that the applicants are ready to co-operate with the investigation.

5. The learned APP, on the other hand, submitted that in the present case, allegation is regarding assault on the victim i.e. informant's mother, who is already suffering from paralysis. It is submitted that use of a wooden stick is clearly mentioned and hence, it cannot be said that either the presence or the overt acts attributed to the applicants, can be diluted. The fact that the cross-FIR has been registered at the behest of wife of applicant No.2 is a matter of record.

6. This Court has considered the material on record. There is a family dispute between the parties, as they are related to each other. There are two versions of the same incident and in the present case, allegations are indeed levelled against the applicant of having inflicted violence on the mother of the informant, who is said to be suffering from paralysis. Use of a wooden stick is also mentioned. There is some substance in the contention raised by the learned counsel for the applicant that snatching away of mobile and cash could be said to be an exaggeration, in the light of the bitter family dispute between the parties. There does not appear to be any injury certificate in this case.

7. Since the applicants are ready to co-operate with the investigation and they do not appear to have any criminal antecedents, coupled with the fact that the present case involves cross-FIRs in the backdrop of the family dispute, this Court is inclined to allow the present application, subject to imposing appropriate conditions on the applicants.

8. 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.0285 of 2024 dated 22.06.2024 at Lonand Police Station, District Satara, 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 18.09.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer.
 - (iii) The applicants shall not enter Taluka Satara, District Satara till filing of chargesheet.
 - (iv) 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.
 - (v) The applicants shall co-operate with the investigation and also in the proceedings before the trial court.
9. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.
10. 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.
11. The application stands disposed of.

(MANISH PITALE, J)