

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

ANTICIPATORY BAIL APPLICATION NO. 2600 OF 2024

Rakesh Ramesh Kamble	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Onkar A. Mane for the Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 25th SEPTEMBER 2024**

P.C. :

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

2. The applicant apprehends arrest in connection with FIR No.0276 of 2024 dated 26.04.2024 registered at Foujdar Chavdi Police Station, District Solapur City for offences under Sections 143, 147, 149, 324, 327 and 504 of the Indian Penal Code, 1860 (IPC) and Section 135 of the Maharashtra Police Act, 1951.

3. The applicant is one of the six accused persons who are alleged to have assaulted the informant-victim leading to registration of the FIR.

4. At the outset, the learned counsel for the applicant invites attention of this Court to orders passed in favour of co-accused

persons at Exhibit 'E', whereby relief of anticipatory bail was granted to them. The applicant in the present application seeks relief on the ground of parity.

5. Apart from the aforesaid submission concerning parity, the learned counsel for the applicant submits that this is a case of cross-FIRs, as the wife of accused No.1 Aniket Jadhav had caused registration of FIR, prior to registration of subject FIR. Attention of this Court is invited to FIR No.0275 of 2024 registered on the very same day in the said Police Station against the informant in the present case and other accused persons, for offences under the provisions of IPC and also under the provisions of the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is submitted that in the statement of the informant therein i.e. the wife of accused No.1 Aniket Jadhav, shows the genesis of the incident and as to the manner in which the informant herein and his associates had abused the wife of accused No.1 Aniket Jadhav in the name of her caste, etc.

6. It is further submitted that in any case, the only overt act attributed to the applicant in the present FIR, is that he alongwith two accused persons, abused the informant and assaulted him by way of kicks on his body. On this basis, it is submitted that this Court may consider granting relief to the applicant.

7. Learned APP does not dispute that this is indeed a case of cross-FIRs. It is submitted that the presence of the applicant is

clearly stated in the statement of the informant leading to registration of subject FIR. It is stated that the co-accused persons had used iron rod and sword to attack the informant, thereby showing the seriousness of the incident.

8. This Court has considered the material on record. Undoubtedly, this is a case of cross-FIRs, with the first FIR being registered at the instance of the wife of accused No.1 Aniket Jadhav. It appears that the genesis of the incident was in the backdrop of participation in a procession by the wife of accused No.1 Aniket Jadhav and his family members, which was allegedly being resisted by the informant herein and his associates.

9. A perusal of the statement of the informant, leading to registration of the present FIR, shows that specific overt acts have been attributed to the co-accused Aniket Jadhav and Ashutosh Jadhav, as it is alleged that they had assaulted the informant by way of iron rod and sword. The allegation against the applicant is that he alongwith other co-accused persons, assaulted the informant by kicking him on his body.

10. The learned APP has produced injury certificate pertaining to the informant in the present case, which specifically records that there were no external injuries on the body of the informant. *Prima facie*, this raises some doubt about the manner in which the incident occurred. The cross-FIR shows the grievance raised by the wife of accused No.1 Aniket Jadhav, which has led to registration

of the said FIR, prior in point of time. In any case, the only overt act attributed to the applicant is assault by way of kicks, which does not appear to be relatable to any injury suffered by the informant.

11. Hence, this Court is inclined to allow the present application in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0276 of 2024 dated 26.04.2024 registered at Foujdar Chavdi Police Station, District Solapur City, he shall be released on bail on furnishing PR Bond of ₹25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
- (ii) the applicant shall remain present before the Investigating Officer on 27th September 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present;
- (iii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;
- (iv) the applicant shall co-operate with the investigation and also in the proceedings before the trial court.

12. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

13. 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.

14. The application stands disposed of.

MANISH PITALE, J.