

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2692 OF 2024**

Ajit Sambhaji Jarad	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Milind V. Deshmukh a/w. Mr. Swapnil R. Vighne and Mr. Onkar Wable for applicant.

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

Mr. Sunil M. Jagtap, ASI, Baramati Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 04th OCTOBER, 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0313 of 2024 dated 06.08.2024, registered at Baramati Police Station, District Pune Rural, for offences under Sections 118(2), 3(5), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. According to the informant, on 05.08.2024 at about 06:00 p.m., his son called one Ganesh Mahadev Jarad i.e. the co-accused person and asked him as to why he was indulging in gossip against his father i.e. the informant. The said co-accused person allegedly called the informant and his son to a particular place. Upon reaching the said place, the accused persons allegedly assaulted the informant. It is alleged that the applicant was also

one of the assailants and that he had used a wooden stick to hit the informant. This resulted in injury to the toe of right foot of the informant.

4. The learned counsel for the applicant submitted that in the present case, the real dispute is between the informant and the said co-accused Ganesh Mahadev Jarad. It is submitted that the parties belong to the same village and they are related to each other. In the process, it could be said that exaggerated allegations are made against the applicant.

5. Attention of this Court is further invited to an FIR registered immediately after registration of subject FIR on the very day, wherein the wife of the said co-accused Ganesh Mahadev Jarad is the informant. She has stated that on 05.08.2024 at about 06:30 p.m., the informant herein and his son came looking for her husband and thereafter, they threatened her and the informant herein allegedly snatched away the gold chain of the informant therein i.e. the wife of said co-accused Ganesh Mahadev Jarad. It is submitted that the real dispute is between the informant and the said co-accused Ganesh Mahadev Jarad and the applicant has been unnecessarily roped in.

6. The learned APP has opposed the application and he submitted that specific role is attributed to the applicant. While the other accused persons have allegedly beaten up the informant by way of fists and kicks, it is specifically alleged against the applicant that he used wooden stick to assault the informant. The injury certificate shows the corresponding injury suffered by the informant, including grievous injury i.e. fracture of proximal phalynx of right foot of first toe. In that light, this Court may not show any indulgence to the applicant.

7. This Court finds that the genesis of the incident appears to be a dispute between the informant and the said co-accused Ganesh Mahadev Jarad. In fact, the narration of incident by the informant in the present case itself shows that it was the son of the informant, who had called the co-accused Ganesh Mahadev Jarad and asked him as to why he was gossiping about his father. This led to Ganesh Mahadev Jarad asking the informant and his son to come to a particular place, where the initial assault is said to have been launched by the said co-accused Ganesh Mahadev Jarad by means of fists and kicks and thereafter, it was alleged that the applicant was also present, who used the wooden stick to assault the informant. The subsequent FIR has been registered immediately after registration of the subject FIR, which shows that the informant therein is the wife of Ganesh Mahadev Jarad and she has also made specific allegations against the informant herein.

8. It appears that there is a continuing dispute between the two parties, who are related to each other and they are residents of the same village. In such a situation, there is possibility of allegations being levelled against each other, which could be said to be exaggerated.

9. Yet, it cannot be denied that a specific allegation is made against the applicant about use of wooden stick, which caused grievous injury to the informant. But, it is to be noted that the wooden stick is recovered from the spot of the incident itself. The applicant has undertaken to co-operate with the investigation. In such a situation, considering the background of the dispute, it would be appropriate that appropriate conditions are imposed on the applicant and he is granted relief in the present application.

10. In view of the above, the application is allowed in the following terms:
- (i) In the event the applicant is arrested in connection with FIR No.0313 of 2024 dated 06.08.2024, registered at Baramati Police Station, District Pune Rural, 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 07.10.2024 and 08.10.2024 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.
11. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.
12. It is also clarified that the observations made in this order are limited to the disposal of the present bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.
13. The application stands disposed of.

(MANISH PITALE, J)