

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2904 OF 2024**

Shivaji Maruti Kuchekar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Sunil D. Shinde (through video-conferencing) a/w. Mr. Vaibhav B. Ahiwale for applicant.

Ms. Rutuja A. Ambekar, APP for respondent-State.

Mr. A. M. Gaikwad, PHC, Indapur Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 25th 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.0650 of 2024 dated 13.08.2024, registered at Indapur Police Station, District Pune Rural, for offences under Sections 118(1), 115(2), 119(1), 351(2), 352, 189(2), 190 and 191(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The grievance of the informant is that on the date and time of the incident, in the backdrop of a quarrel, the applicant alongwith the co-accused persons, assaulted him with a wooden stick and abused him, threatening that false case under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act), would be registered against the informant. It is also alleged that a gold chain of the informant was snatched away during the incident.

4. The learned counsel for the applicant submitted that the subject FIR is a counterblast and an after-thought, as the son of the applicant had already registered an FIR dated 12.08.2024, at the very same police station against the informant and others, under the provisions of SCST Act and also, under the provisions of the Indian Penal Code, 1860. It is submitted that since there are two versions of the same incident and the applicant is ready to co-operate with the investigation, this Court may consider allowing the present application.

5. The learned APP has strongly opposed the present application and reference is made to the injury certificate, which shows that the informant had indeed suffered one simple injury on the head and one grievous injury on the nose. It is submitted that in this backdrop, this Court may not show indulgence to the applicant. Weapon of assault, gold chain and cash allegedly snatched away during the incident are to be recovered.

6. Having heard the learned counsel for the applicant and the learned APP, this Court is inclined to grant relief for the following reasons:

- (a) The subject FIR has been registered on 13.08.2024 at 01:08 hours for an incident that allegedly took place at 09:00 hours on 12.08.2024. Prior to that, the FIR was registered at the behest of the son of the applicant in the very same police station in respect of the incident in question. There are obviously two versions of the same incident and it is a case of cross-FIRs.
- (b) The versions in both the FIRs clearly indicate that the informant and his associates reached the shop of the son of the applicant when the incident took place. *Prima facie*, it can be said that the informant and

his associates, having reached the shop of the son of the applicant, led to the incident in question.

- (c) The FIR registered at the behest of the son of the applicant, shows that according to him, the informant and his associates, reached the shop, abused the son of the applicant, pulled him out of the shop and assaulted him by fists and kicks. The version of the informant in the subject FIR is that in the light of a scuffle that took place, the applicant caused injuries by means of a wooden stick. Therefore, there are two versions to the manner in which the scuffle was initiated and as to how the informant in the present case, suffered injuries.
- (d) The fact that there are two versions to the same incident demonstrates that there could be a tendency of exaggeration, particularly as regards the allegations of cash and gold chain being snatched. It is difficult to understand why the applicant in the present case, would snatch away gold chain, when the scuffle had taken place in the backdrop of the specific allegation made by the son of the applicant that the informant and his associates indulged in abuses even pertaining to the caste of the applicant and his son. In such cases, there is a tendency of exaggerated versions and therefore, *prima facie*, allegations levelled against the applicant may implicate him with regard to the violence inflicted upon the informant, during the course of the scuffle. There is indeed one grievous injury suffered by the informant as shown in the injury certificate, but since there is enough material to show that the informant and his associates were the persons, who reached the shop of the applicant's son, this Court is of the opinion that so long as the applicant is ready to co-operate with the investigation, relief can be granted.

7. 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.0650 of 2024 dated 13.08.2024, registered at Indapur 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 28.10.2024 and 29.10.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
 - (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.
8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.
9. 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.
10. The application stands disposed of.

(MANISH PITALE, J)