

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

ANTICIPATORY BAIL APPLICATION NO. 2913 OF 2024

1. Vishal Gokul Rawade
 2. Tanaji Nivrutti Rawade
- ...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. Sandeep Parikh a/w Mr. Prabhakar M. Jadhav and Mr. Bhaskar Jagdale, for Applicants.
- Mr. Kiran C. Shinde, APP for Respondent.
- Ms. Archana Hambirrao Patil, Police Sub Inspector, Saswad Police Station.

CORAM : MANISH PITALE, J.

DATE : 11th NOVEMBER, 2024.

P. C. :

1. Heard Mr. Parikh, learned counsel for the applicants and Mr. Shinde, learned APP for respondent – State.

2. There are 27 persons named as accused in the present case. It is to be noted that as regards 5 of the accused persons, who are women, a statement was made on behalf of the Investigating Authority itself, recorded in the order dated 30.04.2024, passed in Anticipatory Bail Application No.1132 of 2024, that the arrest of the said accused persons was not necessary.

3. As regards other 20 accused persons, by an order dated 31.07.2024 passed in Anticipatory Bail Application No.2019 of 2024, this Court had granted interim relief. Subsequently, the said application of the 20

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accused persons was allowed by order dated 25.09.2024.

4. In this application, the remaining 2 accused persons are applicants and the learned counsel for the applicants submits that the reasons recorded by this Court while granting relief to the aforesaid 20 accused persons, ought to apply to the applicants in this application also and that since the applicants are ready to cooperate with the investigation, this Court may consider allowing the application.

5. On the other hand, the learned APP submits that in the order granting relief to 20 co-accused persons, this Court had taken note of the fact that while *omnibus* allegations were made against the said accused persons, with regard to two accused persons (applicants herein) specific allegations had been made, which indicate that the said two applicants had used swords to assault the injured person. It is brought to the notice of this Court that the aforesaid two accused persons are the applicants in the present application and therefore, the relief granted to the co-accused persons cannot inure to the benefit of the applicants herein. Reference is made to injury certificates of the victims in the present case, to contend that no case is made out for granting anticipatory bail to the applicants.

6. A perusal of the interim order dated 31.07.2024 passed by this court in favour of 20 co-accused persons shows that in paragraph No.9

thereof, this Court had recorded the following reasons :

“9. Having considered the material on record and upon hearing the rival submissions, this Court is of the opinion that while opportunity can be granted to the learned APP to produce the relevant papers, the applicants have made out a case for granting interim relief, for the following reasons:

- a. Incident is said to have taken place on 29.09.2023 at about 2:00 p.m. and the first occasion on which the informant approached the police was 04.10.2023. This is clear from the statement of the informant itself, thereby showing that the police was approached five days after the incident;*
- b. There is prima facie substance in the contention raised on behalf of the applicants that the present FIR appears to be a counterblast in connection with earlier FIR dated 30.09.2023 registered at the very same police station, wherein the husband of the informant in the present FIR is a prime accused person;*
- c. While specific allegations have been made against two accused persons along with the use of weapons on their part for inflicting injuries on the victims, as against the applicants, general and omnibus statements have been made without attributing any specific role or overt act on the part of the applicants.”*

7. Subsequently, the application of the said 20 accused persons was allowed for the very same reasons and additionally because they had cooperated with the investigation.

8. A perusal of the FIR shows that the reasons recorded in paragraph No.9 (a) and (b) as quoted hereinabove while granting relief to 20 co-accused persons would apply in favour of the applicants also. As regards the specific role attributed to the applicants, particularly in the context of use of swords, this Court has perused the statement of the informant that led to registration of the FIR. It shows that the applicants allegedly assaulted the victims by way of swords to cause injuries to the heads of the victims. A perusal of the injury certificates shows that only simple injuries were noted as regards the victims on their heads and only one grievous injury was noticed in respect of one of the victims. But, the said grievous injury pertained to fracture of the wrist of the said victim by means of a blunt weapon. It is obvious that the only grievous injury found on the body of one of the victims cannot be correlated with the specific allegations made against the applicants herein.

9. Therefore, this Court is inclined to grant relief to the applicants also, so long as they cooperate with the investigation.

10. In view of the above, the application is allowed in the following

terms :

- (A) In the event the applicants i.e. Vishal Gokul Rawade and Tanaji Nivrutti Rawade are arrested in connection with FIR No.0029 of 2024, dated 30.01.2024, registered at Police Station Saswad, District Pune, they shall be released on bail, on furnishing PR Bonds of ₹ 15,000/- each with one or two sureties each in the like amount, to the satisfaction of the Trial Court.
- (B) The applicants shall appear before the Investigating Officer on 13th November, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicants shall cooperate with the investigation.
- (D) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

11. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail.

12 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.

13. The application is disposed of.

(MANISH PITALE, J.)