

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3111 OF 2024

Rajendra Jaysing Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Virendra V. Pethe, for Applicant.
- Mr. Bapu V. Holambe Patil, APP for Respondent.
- Mr. Sachin Dagadu Bhilan, PSI, Karad Taluka Police Station.

CORAM : MANISH PITALE, J.

DATE : 22nd NOVEMBER, 2024.

P. C. :

1. Heard, Mr. Pethe, learned counsel for the applicant and Mr. Holambe Patil, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0665 of 2024, dated 13th October, 2024, registered at Police Station Karad Taluka, District Satara, for offences under Sections 352, 351(2), 287 and 109 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant is the cousin brother of the applicant. He submits that on the date and time of the incident, the applicant threatened him by showing him weapons like an Axe and stating that he would kill the informant. It is alleged that thereafter the applicant drove his SUV vehicle in a rash manner with the intention to kill the informant and when the informant

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tried to evade him, he suffered injury on his toes.

4. The learned counsel for the applicant submits that there is a backdrop of a family / property dispute, as the applicant and the informant are related to each other. It is submitted that this is a case of cross-FIRs, as an FIR has been registered at the behest of the applicant prior in point of time, wherein the informant is also arraigned as an accused. He submits that the applicant is a Assistant Police Sub Inspector and he is ready to cooperate with the investigation. On this basis, it is submitted that the application may be allowed.

5. On the other hand, the learned APP submits that the statement of the informant in the present case, sufficiently makes out the ingredients of the offences registered against the applicant, including offence under Section 109 of the BNS. It is submitted that the applicant cannot escape liability by claiming that there is a family dispute and that the informant is related to the applicant.

6. A perusal of the papers indeed show that prior to registration of the subject FIR, FIR No.0664 of 2024, was registered in the same police station wherein the applicant is the informant and the informant in the present case is one of the 12 named accused persons. This shows that there are two versions of the same incident. It is also a matter of record that the

applicant and the informant are cousins. It appears that there is a backdrop of a dispute between the parties concerning agricultural land and in that backdrop, the allegations and counter allegations have been made.

7. With respect to the subject FIR, although it is alleged that the applicant drove his SUV vehicle in a rash manner with an intention to kill the informant, on an overall reading of the statement of the informant, this Court finds that the applicant has indeed made out a *prima facie* case in his favour to claim that exaggerated allegations have been made in the backdrop of the subsisting dispute between the parties.

8. It is also to be noted that as the applicant is in Government service, being taken into custody may adversely affect the applicant, despite the fact that this Court finds a *prima facie* case in his favour. Therefore, this Court is inclined to allow the application.

9. In view of the above, the application is allowed in the following terms:

- (A) In the event the applicant is arrested in connection with FIR No.0665 of 2024, dated 13th October, 2024, registered at Police Station Karad Taluka, District Satara, he shall be released on bail, on furnishing PR Bond of ₹50,000/- with one or two sureties in the like amount.

- (B) The applicant shall appear before the Investigating Officer on 25th November, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicant shall cooperate with the investigation.
- (D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

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

11. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

12. The application is disposed of.

(MANISH PITALE, J.)