

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

ANTICIPATORY BAIL APPLICATION NO. 3128 OF 2024

Goraksh Karbhari Dhamale	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Narayan Rokade for the Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
Mr. S. K. Chavan, PSI, Shirur Police Station.

**CORAM: MANISH PITALE, J.
DATE : 4th DECEMBER 2024**

P.C. :

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

2. The applicant herein is apprehending arrest in connection with FIR No. 0597 of 2024 dated 27th June 2024 registered at Shirur Police Station, Dist. Pune Rural, for offences under Sections 323, 324, 326, 327, 504 and 506 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant is one of the injured persons and in his statement he has stated that at the date and time of the incident, the applicant along with co-accused persons assaulted the informant, wherein the applicant, armed with an axe, assaulted the informant on his head, while the co-accused persons assaulted the

wife of the informant by fists and kicks.

4. The learned counsel for the applicant submitted that this is a case of cross FIRs, as the wife of the applicant is informant in an FIR registered on the same day in the very same Police Station, wherein the informant in the present case is one of the accused persons. It is further submitted that the weapon of assault has been recovered and therefore, this Court may consider allowing the application.

5. On the other hand, the learned APP has invited attention of this Court to the injury certificate, showing the nature of injuries suffered by the informant. It is also brought to the notice of this Court that the wife of the informant also suffered injuries in her abdomen, during the said incident. On this basis, the prayer was opposed.

6. This Court has considered material on record. The cross FIR is registered after more than four hours and the allegations levelled therein, include an allegation pertaining to offence under Section 354 of the IPC. The said FIR having been registered subsequently cannot be taken advantage of by the applicant, when in the subject FIR, the informant has described role of the applicant in sufficient detail. The statement of the informant itself shows that there is a civil dispute pending between the parties with regard to agricultural land. In the land, which is subject of such civil dispute, the applicant appears to have entered with a tractor

and in that context, the assault was launched against the victims. There is a specific role attributed to the applicant about having assaulted the informant by way of an axe. The injury certificate corresponds with the serious allegation made against the applicant and therefore, this Court is not inclined to favourably consider the application.

7. The application is dismissed.

MANISH PITALE, J.