

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3265 OF 2024**

Karan Kamlakar Patil	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Manvi Sharma a/w. Mr. Harshad Sathe for applicant.

Ms. Megha S. Bajoria, APP for respondent-State.

Mr. Sushant K. Dudde, PSI, Uran Police Station, District Navi Mumbai.

CORAM : MANISH PITALE, J.

DATE : 06th DECEMBER, 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.0347 of 2024 dated 14.10.2024, registered at Uran Police Station, District Navi Mumbai, for offences under Sections 351(2), 3(5) and 109 of the Bharatiya Nyaya Sanhita, 2023.

3. The informant is stated to be a cousin of the applicant and in his statement before the police, which led to registration of FIR, the incident is described, wherein it is alleged that the applicant and the co-accused persons assaulted him and others, resulting in injuries. It is alleged that during the assault, wooden sticks were used, which caused injuries on various parts of the bodies of the injured persons, including simple injuries on the head of one of the injured persons.

4. The learned counsel for the applicant submits that this is a case of cross-FIRs. Attention of this Court is invited to FIR No.0348 of 2024, registered in about 45 minutes of registration of subject FIR. In the said FIR, the father of the applicant is the informant and it is

alleged that the informant therein suffered injuries at the hands of the first informant in the present case and others.

5. It is further submitted that the altercation occurred in the backdrop of a property dispute and this Court may consider the aforesaid background, while appreciating the contents of the subject FIR.

6. The learned APP submitted that there are indeed two FIRs in respect of the incident in the present case. It is brought to the notice of this Court that while four persons suffered injuries due to the assault launched by the applicant and co-accused persons, the investigation in the cross-FIR shows that the father of the applicant did suffer injuries. It was submitted that the injuries to all the injured persons have been classified as simple injuries in the medical reports.

7. This Court finds that this is indeed a case of cross-FIRs and therefore, there are two versions of the same incident. The parties are related to each other and there appears to be a property dispute in the background, which has resulted in altercation that has ultimately led to injuries to the members of both the sides.

8. Considering the aforesaid aspect of the matter, particularly in the light of the material brought to the notice of this Court, showing that the father of the applicant, who is informant in the cross-FIR, also suffered injuries, relief can be granted in the present case. But, this Court is of the opinion that unless stringent conditions are imposed on the applicant, there is possibility of another such incident occurring in the backdrop of the dispute between the parties. Hence, relief can be granted to the applicant, subject to imposing stringent conditions.

9. 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.0347 of 2024 dated 14.10.2024, registered at Uran Police Station, District Navi Mumbai, 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 09.12.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicant shall not enter the jurisdiction of Uran Police Station, District Navi Mumbai, till filing of charge-sheet, except for abiding by condition (ii) hereinabove.
- (iv) The applicant shall not tamper with the evidence of prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (v) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11. 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.

12. The application stands disposed of.

(MANISH PITALE, J)