

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

ANTICIPATORY BAIL APPLICATION NO. 3277 OF 2024

1.	Sudarshan @ Manoj Suresh Kate	
2.	Suresh Balwant Kate	...Applicants
Versus		
	The State of Maharashtra	...Respondents

- Mr. Ankit Nikam i/b Mr. Amit Icham, for Applicant.
- Mr. Sagar R. Agarkar, APP for Respondent.
- Mr. Sandip Natha Mane, Head Constable, Koregaon Police Station.

CORAM : MANISH PITALE, J.

DATE : 09th DECEMBER, 2024.

P. C. :

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

2. In this application, the applicants are apprehending arrest in connection with First Information Report No.0266 of 2024, dated 17th June, 2024, registered at police station Koregaon, District Satara, for offences under Sections 307, 143, 147, 148, 149, 324, 323, 452 and 506 of the Indian Penal Code, 1860 (IPC)

3. The FIR has been registered at the behest of the informant, who described the incident in which he and two other persons were injured. The allegations pertained to use of weapons in the form of Bamboo sticks, iron rods and swords.

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS MALANI
Date: 2024.12.09
18:36:21 +0530

4. The learned counsel for the applicants submits that this is a case of cross-FIRs, as an FIR bearing No.0264 of 2024, was registered on 16th June, 2024 with respect to the very same incident, prior in point of time, wherein the accused person shown at serial No.1 in the subject FIR was the informant. It is further submitted that, according to the informant, the only role attributed to the applicants was that they assaulted the victims by way of fists and kicks and there was no reference to use of any weapon. It is further submitted that an improvement was made in the supplementary statement of the informant recorded more than a month after the FIR was registered in which use of weapons on the part of the applicants was alleged. It was emphasized that the statements of injured victims in this context also indicates that there are inconsistencies in the role attributed to the applicants. It was further that the incident has happened in the backdrop of a property dispute pertaining to agricultural property in respect of which a civil suit is pending, wherein the informant is the plaintiff and one of the applicants is the defendant. It is further submitted that the applicants are ready to cooperate with the investigation.

5. The learned APP, on the other hand, emphasized on the injury certificate of the victims, including the informant, showing at least two grievous injuries suffered by the informant. It was emphasized that the victims were assaulted in a brutal manner and serious offences have been

registered. On this basis, it was submitted that the application may be dismissed.

6. This Court has heard the rival submissions and on the basis of the material on record, this Court is inclined to allow the application, for the following reasons:

- (A) The statement of the informant, leading to registration of the FIR ascribes the role to the applicants limited to assault by way of fists and kicks. There is no reference to use of any weapons at the time of the incident by the applicants.
- (B) The use of weapons i.e. iron rods on the part of the applicants is first mentioned in the supplementary statement of the informant recorded on 23rd July, 2024, i.e. more than a month after the registration of the FIR. It is to be noted that although one of the victims does refer to use of an iron rod by one of the applicants, but that too is in the statement recorded about 8 days after registration of the FIR. The statements of the victims and the witnesses do indicate inconsistencies with regard to the use of weapons by the applicants and in that context the first statement of the informant alleging assault by fists and kicks assumes significance.

- (C) The present case is a case of cross-FIRs and it is to be noted that the co-accused show at serial No.1 in the subject FIR is the informant and the FIR No.0264 of 2024 registered on 16th June, 2024, before the very same police station in respect of the incident in question. Thus, there are two versions to the same incident.
- (D) The charge-sheet itself refers to a pending civil suit, wherein the informant is the plaintiff and one of the applicants is a defendant, which pertains to a dispute regarding agricultural property, thereby indicating that the civil dispute could be said to be the backdrop in which the incident in question took place.
- (E) In the light of the nature of allegations levelled against the applicants, it does not appear that recovery of any weapon is expected at their behest. They have undertaken to cooperate with the investigation.

7. In view of the aforesaid reasons, the application is allowed in the following terms:

- (A) In the event the applicants are arrested in connection with FIR No.0266 of 2024, dated 17th June, 2024, registered at police station Koregaon, District Satara, they shall be

released on bail, on furnishing PR Bond of ₹ 25,000/- each with one or two sureties each in the like amount, to the satisfaction of the Trial Court.

(B) The applicants shall remain present before the Investigating Officer on 11th December, 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.

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

9. 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 applications and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

10. The applications are disposed of.

(MANISH PITALE, J.)