

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3338 OF 2024

1. Devakan Shidha Sambhad
2. Mitha Kabu Ahir ... Applicants
Vs.
State of Maharashtra ... Respondent

Mr. Hrishikesh Sopan Shinde for Applicants.
Mr. Tanveer Khan, APP for Respondent-State.
Mr. Ajinath Shinde, ASI, Shikrapur Police Station.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 12, 2024

P.C. :

. Heard Mr. Shinde, learned counsel for the applicants and Mr.Khan, learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.286 of 2023 dated 24.03.2023 registered with Shikrapur Police Station, District - Pune Rural, for offences under Sections 324, 326, 341, 504, 506 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The allegation against the applicants is that they along with co-accused persons, on the date and time of the incident, assaulted the informant and another person, causing injuries to them.

4. The learned counsel for the applicants submits that the specific allegation against the applicants is that, they assaulted by means of stones. The said stones have been recovered, as is evident from the document at page 43 of the application.

5. It is submitted that the anticipatory bail application of the

applicants was rejected on 15.07.2023 by the Sessions Court. But, thereafter, the applicants did not rush to this Court, for the reason that efforts were made to settle the dispute between the parties. It is indicated that the informant and the applicants are related to each other and there was a dispute between them with regard to the distribution of milk, as that happens to be the business of the family. It is further indicated that since affidavits were also sworn by the informant and the other injured person, it was thought that there would not be any necessity to approach this Court. But, since the applicants now apprehend that they may be arrested, they have approached this Court.

6. The learned APP submits that the allegations show the overt acts, which are attributed to the applicants. It is submitted that although the initial injury certificate referred to simple injuries, the documents on record show that subsequently, the injury on the head of one of the victims was classified as grievous. It is further submitted that in this context, this Court may not show any indulgence.

8. A perusal of the order of the Sessions Court shows that, despite taking note of the affidavits of the informant and the other injured victim, indicating that the matter was settled and that, there were cross-complaints in the present case, the said Court opined that custodial interrogation of the applicants was necessary since two weapons and vehicle were yet to be seized.

9. But, the specific allegation against the applicants is that, at the time of the incident, they assaulted the victims by means of stones. There is no reference to any other weapon. In fact, the head injury is *prima facie* attributable to use of iron rod, which is not even alleged against the applicants. The document at page 43 shows that the stones were already recovered and therefore, the question of recovery of any weapons from the applicants would not arise. In such a situation, this

Court is inclined to allow the application, subject to specific conditions.

10. The application stands allowed in the following terms:-

- A. In the event the applicants are arrested in connection with FIR No.286 of 2023 dated 24.03.2023 registered with Shikrapur Police Station, District - Pune Rural, he shall be released on bail on furnishing PR Bond of Rs.25,000/- each with one or two sureties in the like amount;
- B. The applicants shall remain present before the investigating officer on 16.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

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

12. The anticipatory bail application is disposed of.

(MANISH PITALE, J.)