

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2202 OF 2024**

Rajendra Bhaskar Jadhav	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

**WITH
INTERIM APPLICATION NO. 3300 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2202 OF 2024**

Mr. Akshay Bankapur for applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

None for applicant in IA/3300/2024.

Mr. P. V. Tagad, PSI, Vadner Bhairav Police Station, District Nashik Rural.

CORAM : MANISH PITALE, J.

DATE : 23rd AUGUST, 2024

P.C. :

. 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.0166 of 2024 dated 09.06.2024 registered at Vadner Bhairav Police Station, District Nashik Rural for offences under Sections 323, 324, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The learned counsel for the applicant, at the outset, submits that the three co-accused persons have been already granted anticipatory bail by this Court by order dated 18.07.2024 passed in Anticipatory Bail Application No.1945 of 2024 (Bhaskar Rambhau Jadhav and others vs. The State of Maharashtra). He relied upon the said order.

4. In the present case, the material on record shows that there are cross-FIRs registered in respect of the incident in question. The applicant in the present case is the informant in the cross-FIR registered after about one hour from the registration of the present FIR. The incident took place on an agricultural field in the backdrop of a dispute between the parties. As to which of the parties were the aggressors, is a matter of investigation, but it is found that there were injuries suffered by the individuals from both the parties.

5. The statement of the informant in the present case, who is an accused in the cross-FIR, does show that according to him, the applicant used an axe and assaulted the informant on his head. The statement of the informant then describes the role of the other co-accused persons.

6. The learned counsel for the applicant submits that even the applicant suffered injuries and this is evident from the documents on record at Exhibit D, which show that he suffered fracture on 10th and 11th ribs. It was submitted that since it was a sudden fight between the parties, this Court may consider granting relief, as the applicant undertakes to co-operate with the investigation. He further submits that the alleged weapons of assault, including the axe, were recovered from the spot and this is clear from the say filed on behalf of the investigating officer before the Sessions Court.

7. On the other hand, the learned APP has vehemently opposed the prayer made in the present application. He submitted that the role of the applicant is clearly distinguishable from that of the co-accused persons, who were granted relief by this Court. Attention of this Court is invited to the order dated 18.07.2024 passed in the case of co-accused persons, when they were granted relief. It is submitted that in the said order itself, this Court had distinctly described the role of the applicant as the person, who caused grievous head injury to the informant. Attention of this Court is also invited to the injury certificate, which shows the nature of injuries suffered by the informant and the manner in which it is attributable to the applicant before this Court. It is submitted that the informant in the present case, who is an accused in the cross-FIR, was arrested, although he was granted regular bail on the very day of his arrest.

8. This Court has considered the rival submissions. This Court has already granted relief to the three co-accused persons by order dated 18.07.2024. But, there is substance in the contention raised on behalf of the learned APP that the role attributable to the applicant is distinguishable to that of the co-accused persons. As per the statement of the informant, the applicant assaulted him by means of axe on his head and his ear. A perusal of the injury certificate indeed shows that the simple injury was suffered on the occipital region of the head and grievous injury was on ear pinna (cartilage cut) of the informant. The injuries are clearly relatable to the specific allegations made by the informant in his statement, which led to registration of FIR. In that sense, the role of the applicant is distinct from that of the co-accused persons and *prima facie*, it can be said that the applicant was responsible for the grievous injury suffered by the informant.

9. Nevertheless, the fact that this case concerns cross-FIRs, cannot be ignored. The individuals from both the parties suffered physical injuries. It is also a matter of record that in the cross-FIR, wherein the applicant is the informant, there is indeed an allegation to the effect that there was an attempt to outrage the modesty of his wife. It is also a matter of record that the weapons used for assault, including the axe allegedly used by the applicant, were recovered from the spot of the incident. This is confirmed by the say of the investigating officer filed before the Sessions Court.

10. Since the weapon of assault is already recovered and it appears that the incident has its genesis in a property dispute amongst the relatives, coupled with the fact that the applicant is ready to co-operate with the investigation, this Court is inclined to allow the present application, despite vehement opposition on behalf of the State.

11. 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.0166 of 2024 dated 09.06.2024 registered at Vadner Bhairav Police Station, District Nashik Rural, he shall be released on bail on furnishing PR Bond of ₹ 15,000/- 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 27.08.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon to remain present;
- (iii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;

(iv) the applicant shall co-operate with the investigation and also in the proceedings before the trial court.

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

13. 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.

14. The application stands disposed of.

15. In view of disposal of the bail application, the interim application also stands disposed of.

(MANISH PITALE, J)

Priya Kambli