

4. At the outset, the learned counsel for the applicant submits that two co-accused persons were granted anticipatory bail by this Court by order dated 9th December 2024 passed in Anticipatory

Bail Application No. 3277 of 2024. It was submitted that if this Court peruses the material, it would be evident that the applicant also deserves relief on the ground of parity, in as much as, the inconsistency in the statements of witnesses, specifically referred to in the order dated 9th December 2024 passed in favour of the c-accused, can be demonstrated insofar as the role of the applicant in this application is concerned.

5. The learned counsel for the applicant referred to the statement of first informant, leading to registration of the FIR and thereupon, referred to the statement of the injured eye-witness i.e. the wife of the first informant, to highlight contradictions therein. Reference was made to injury certificates to further demonstrate the inconsistencies and the fact that a cross FIR was registered, earlier in point of time, before the very same Police Station concerning the said incident. This was also relied upon to claim that the applicant deserves to be granted relief.

6. It is further brought to the notice of this Court that while the application of the applicant was pending before the Sessions Court and an interim order was granted in his favour on 14th November 2024, which continued to operate till 31st December 2024, the applicant had cooperated with the investigation.

7. The learned APP, on the other hand, submitted that the injury certificate of the wife of the first informant matches with the nature of assault attributed to the applicant in the present case. It is submitted that the presence of the applicant, as also use of

weapon, is sufficiently made out by the statements of the eye-witness and victims, thereby indicating that the applicant does not deserve any indulgence from this Court.

8. This Court has considered the rival submissions in the light of the earlier order dated 9th December 2024 passed in the case of co-accused persons, whereby they were granted relief of anticipatory bail. In the said order, this Court has noticed the inconsistencies in the statements of witnesses and also the fact that the present case was a case of cross FIRs, wherein an earlier FIR was already registered in respect of the very same incident, wherein the first informant was a co-accused person.

9. This Court has considered the documents on record, particularly the statement of the first informant that led to registration of the FIR and the statement of his wife, an injured victim, as to the manner in which the incident was described. Both the statements were recorded on 17th June 2024 i.e. the date on which the FIR was registered. A perusal of the two statements shows that there is indeed inconsistency insofar as the place of the incident is concerned and the role attributed to the applicant herein. The first informant has stated that the incident took place outside his house and that the applicant was armed with an iron rod, further stating that he and two other co-accused persons went inside the house and assaulted his wife. But, the statement of his wife recorded on the same day, shows that according to her, the incident took place away from the house, near an agricultural field

and that when she reached the place, her husband and son were already injured and that at the very place, she was assaulted by the accused persons. She specifically stated that the applicant was armed with a wooden stick.

10. These inconsistencies are evident from the two statements, apart from the fact that the injury certificate pertaining to the wife of the first informant, shows only one simple injury on the right forearm, despite the fact that according to the first informant, she was also assaulted on her back by means of an iron rod by the applicant herein. A perusal of the injury certificate of first informant shows that all the injuries were caused by sharp object, being compound lacerated wounds, contusions and abrasions. The aforesaid documents do indicate that the injuries suffered by the first informant cannot be attributed to the applicant herein.

11. Apart from this, as noted in the earlier order passed in favour of the co-accused persons, this is a case of cross FIRs. The other FIR was registered prior in point of time, wherein the first informant is a co-accused person. Hence, there are two versions to the same incident and in such cases, the tendency to exaggerate cannot be ruled out. The applicant had appeared before the Investigating Officer when the interim order was operating in his favour before the Sessions Court and therefore, this Court is inclined to allow the application, so long as the applicant continues to cooperate with the investigation.

12. In view of the above, the application is allowed in the

following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0266 of 2024 dated 17th June 2024 registered at Koregaon Police Station, Dist. Satara, he shall be released on bail on furnishing PR Bond of Rs.30,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 23rd January 2025 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

13. Needless to say, violation of any of the aforesaid conditions would make the applicant 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 applicant in the present application.

14. The application is disposed of.

MANISH PITALE, J.